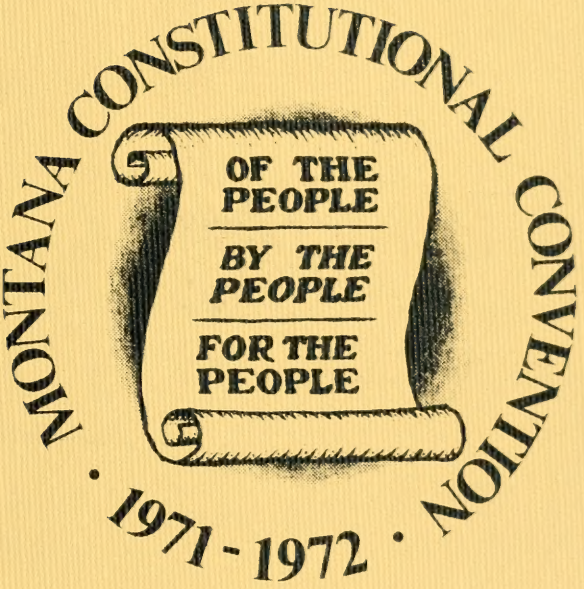
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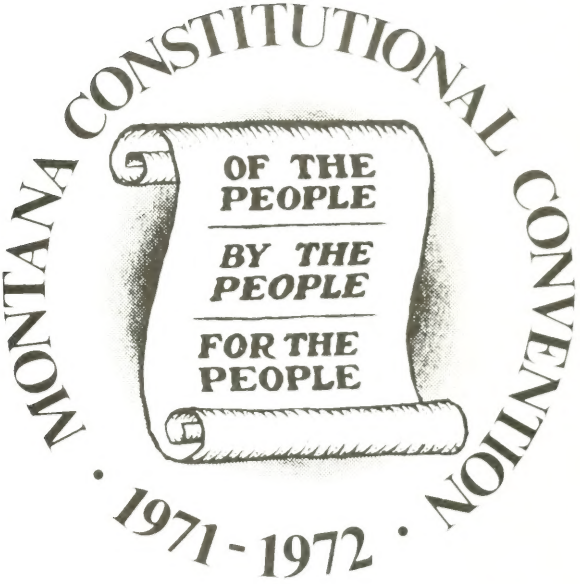

Enabling Act

Convention Rules

Delegate Information

Delegate Proposals

Committee Proposals

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FOREWORD

Constitutional Conventions are the tap roots of democracy. Openly conducted, they bring the people, through the delegates, face to face with what government is all about. At such Conventions, society must arrange its priorities, safeguard its basic beliefs, and order its future. This is a large order under the best of circumstances and the wonder is that men and women from diverse backgrounds with different interests and with limited time and resources can successfully undertake the task. In 1972, in Helena, Montana, one hundred men and women did so successfully. Montana had a good Constitutional Convention.

The members of the Montana Constitutional Convention were an unusual group. They were on the whole, inquisitive, studious, well-meaning, and sincerely interested in improving the Montana political framework. For the most part they were not seasoned politicians; with the exception of a few former state legislators they were persons interested by nature or vocation in the political process, but who had not participated before as elected officials.

The important key to the election of this rather remarkable group was an action by the Montana Supreme Court. During the legislative session at which the Convention was authorized, the issue arose whether legislators could serve in the Convention. The Supreme Court held that since legislators were already elected to a term of office extending beyond the delegate terms, they were ineligible to become candidates in the delegate election. The result was that all of the major political politicians serving in the Legislature were frozen out of the Constitutional Convention.

The delegates brought none of the acrimony and bitterness to the Convention that sometimes develops between seasoned politicians with preconceived positions on major state issues. Thus the delegates were able to approach the principal issues before the Convention in an objective manner, and they also avoided a good deal of the pressures to which legislators are subjected. The probable unforeseen result of the Supreme Court's action was a constitutional body relatively free from influence and dedicated to basic changes in Montana's constitutional framework.

Organizing a Constitutional Convention is a disquieting experience. There are few local precedents, a consciousness of uninhibited freedom and a reluctance to copy other states too completely. A Convention is really two operations—one administrative and one substantive. Very little ties these functions together, and there is a tendency to prefer substantive matters to mundane administration. Yet without sound administration, a Convention flounders, and the result could be disastrous.

The Montana Convention had four procedural committees and ten substantive committees. As President, I was allowed to make committee assignments and designate committee chairmen, which selections were then approved by the Convention as a whole. Before such assignments were made, each delegate was asked to list his first, second, and third choice; 81 of the delegates were placed on their first-choice committee and 15 got either their second or third choice. Only four delegates were assigned committees without regard to their three choices.

The committee selection function was, however, more difficult than it may appear. Each committee was weighted between Republicans and Democrats in proportion to the party strength in the Convention (including special arrangements for five Independents). In addition, I balanced the committees with strong advocates of the opposing ideological positions likely to be considered by the particular committee. Finally, committee chairmen were appointed according to party proportions (including an Independent), and then a member of the opposite political party or, whenever possible, a member of an opposite faction was appointed as vice chairman.

The committees thus contained members of both parties and members of all factions likely to contend over the issues before the committee. These factions were balanced whenever practicable, and each faction given its strong leadership.

The purpose of so carefully weighting the committee membership was to force the conflict over ideas back into the committees. This had the effect of creating the first and perhaps the most significant debate among those most interested in the issues, and at the basic committee level. It had

the further advantage of avoiding, at the Committee-of-the-Whole debate stage, any claim that a motion had been overlooked or taken advantage of. Since the minority report of most committees was made by the second strongest faction involved, the Convention debate was a true contest between the principal contenders on any given point, and the committee factions were in a position to accept the final result after full committee debate in a better mood than they might have [illegible] finishing the issue outside the committee structure. The result was that no major issues split the Convention significantly, as has occurred in many other Conventions.

A [illegible] issues lost control, being dormant or lurching forward recklessly, depending on circumstance and (sometimes) the whim of its leadership. Because the funds available to conduct Montana's Convention were so limited, it became absolutely essential that a carefully designed schedule be devised and followed if the Convention was to complete its work within its money, not to mention time. As a result the Convention leadership early spent considerable effort in devising such a schedule and urging adherence to it.

The Convention was scheduled for nine weeks; it lasted fifty-six days, excluding Sundays. The key to the schedule was a "rolling" feature by which the hearings, reports and debates of the committees were arranged on a staggered basis so that all did not come due at once. The first week was taken up largely with orientation. There followed three weeks of intensive committee hearings, meetings, and investigation. During the fourth and fifth week each committee was required to conduct one final public hearing at a time when no other public hearings were being held so that [illegible] committees could attend the hearing. Thereafter, a Committee Report was filed with the Convention and debate in Committee-of-the-Whole took place. Debate occupied the Convention for about four weeks. After adoption by the Committee-of-the-Whole, each Article was assigned to the Style and Drafting Committee, and again reported to the Convention before final passage.

The Montana Convention overlooked no opportunity to publicize its activities and to encourage public participation. Toward that end all of its votes, all of its deliberations, including all substantive and procedural committee meetings, were open to the public and press. An open Convention is not a painless one, and there were incidents and unfavorable publicity from time to time. But the value in the long run of the image of an open and accessible Convention proved to be great.

Debate on the great issues is the heart of any Constitutional Convention. At the Montana Convention debate was unlimited. Although the rules allowed limits, this never became necessary. There was no issue on which debate was ever cut off or limited, and no motions, amendments, or viewpoints that were not fully heard and discussed. Each delegate, no matter how trivial, farfetched, or tedious the discussion might be, was given an opportunity to speak before the vote.

This completely unlimited and open debate was not easily achieved. It took time. The Convention always started debate at 9:00 a.m. and often continued after the dinner hour and, on occasion, until 11:00 p.m. On most days, however, debate lasted about seven to eight hours.

One result of this broad debate was to avoid tension and engender tolerance. After the delegates realized that their right to speak was not going to be cut off or limited, they relaxed, listened, and considered the issues without rancor. The delegates often got tired, but they never worried that their viewpoint couldn't be expressed and considered.

It seems to be a principle of Constitutional debate, perhaps of legislative debate as well, that when a major issue is first encountered, the Body must be given sufficient time to probe the issue deeply and well. Attempts to bring about an early vote on major issues of real concern to most delegates usually resulted in slowing things up because of motions to reconsider, reversals of one type or another, and even motions to suspend the rules. However, if the Convention was allowed to debate a major issue thoroughly and completely, then several significant votes could be taken quickly near the end of the debate, establishing clearly the line of principle which the Convention wished to adopt. Usually such terminal votes were by strong majorities that were not subject to later serious attack by dissident delegates.

These matters are only administrative details, possibly useful in other Conventions or of historical significance. But on the substantive side there is one absolute good that deserves comment.

The delegates seemed unconscious to [illegible] concerning [illegible] tions. They asked themselves "Does it [illegible] generations respond?" Their concern [illegible] remarkable trait. It certainly had the effect [illegible] ences. Perhaps it is a trait only natural [illegible] in governmental action at any level. But whatever [illegible] the Convention delegates and the result was a good Constitution.

Leo Graybill, Jr.

Great Falls, Montana
May 1979

workable framework of government, particularly within the context of its era, and it did contain one provision which was remarkably farsighted. This is the inviolate Public School Trust Fund which established a basis for funding Montana's educational system. The trust fund has since proven its worth and stands in marked contrast to the poor handling of public lands income in some other western states.

The document written by the 1889 Constitutional Convention met little opposition in the Territory. It won easy approval at the polls, 24,676 to 2,274. Montana was admitted to the Union by the order of President Benjamin Harrison, November 8, 1889.

With statehood, government was structured and began operation under the newly adopted constitution. Its success was probably no better or worse than that experienced by the many new states admitted between 1864 and 1912. Increasingly, as conditions changed and new problems arose, the need to amend the Constitution became periodically apparent. Between 1890 and 1971 the basic document was amended thirty-seven times. This frequency of change indicated that the Constitution had flaws and did not have sufficient flexibility to meet new challenges. This situation grew worse after World War II. The changing roles of the federal, state, and local governments; the change in relationships between the legislative and executive branches; citizen [illegible] the realities and uncertainties of the mid twentieth century--all caused a basic re-evaluation of our governmental framework. Major constitutional revision seemed a necessity.

In 1967 and 1968, the Legislative Council staff studied the various problems associated with the Constitution and many suggested solutions. They reported to the legislature that the Constitution required substantial revision if it was to be workable in coming decades. The Forty-first Legislative Assembly created a Constitution Revision Commission in 1969 to study methods of revising Montana's fundamental law. The appointive body in 1969-1970 investigated the various options available to the state for revision of the document and ultimately recommended that by referendum a constitutional convention be called. With the passage of Referendum 67, which empowered the calling of a convention to draft a new constitution, the Forty-second Legislature authorized the election of convention delegates, established a Constitutional Convention Commission, and provided funding for the operations of the Commission and the Convention. The Convention Commission and its staff conducted the necessary research and prepared for the convening of the Convention.

The election of delegates was held in November of 1971 and the preliminary sessions of the Convention took place at the State Capital, November 29 - December 1, 1971. The regular session of the Convention first met on January 17 and completed its deliberations March 24, 1972. Because public officials serving at the time were not eligible for election as delegates, the individuals selected were relatively new to government. Among them were ministers, a student, educators, bankers, ranchers, journalists, retired people, housewives, business people, a pilot, farmers, and an architect. The variety of experience, age, and origin combined to produce a constitution which has been called a "model document." Among other things it changed the governance of Montana's educational systems, gave more power to the legislature, and restructured the Public Service Commission. Written in clear, precise language, the new Constitution is much less than half the length of the 1889 Constitution.

After a heated campaign, the Constitution was accepted by the people of Montana at an election held June 6, 1972. The vote on adoption was 116,415 to 113,883. The document was proclaimed as officially adopted by Governor Forrest H. Anderson, June 20, 1972.

Any change in government and its procedures will encounter opposition. This occurred with the implementation of the new Constitution. Its opponents challenged the document in court, arguing that it had not been accepted by the electorate on June 6, 1972. Based on wording in the 1889 Constitution, the challengers maintained that a majority of those receiving ballots had to approve the constitution not just a majority of those voting on the constitutional question. Ultimately, this suit was heard by the State Supreme Court and the opponents' argument was rejected, effectively declaring the 1972 Constitution in force. Over the course of the next two years, the provisions of the document were implemented by the three branches of government under the transition schedule established by the Constitution.

Brian Cockhill
Montana State Archivist
January 1979

CONSTITUTIONAL CONVENTION ENABLING ACT

(Chapter 296, Laws of 1971, As Amended by Chapter 1, Laws of 1971, Extraordinary Session)

Section 1. A constitutional convention to propose revisions, alterations, or amendments to the constitution of the state of Montana is hereby called.

Section 2. The number of members of the convention and the districts from which they are elected shall be the same as that provided for the election of members of the house of representatives of the Montana legislative assembly at the general election to be held November [illegible].

Section 3. The qualifications of members shall be the same as that of members of the senate of the Montana legislative assemby as provided in article V, section 3 of the constitution of the state of Montana: "No person shall be a senator who shall not have attained the age of twenty-four (24) years, and who shall not be a citizen of the United States and who shall not (for at least twelve (12) months next preceding his election) have resided within the county or district in which he shall be elected."

Section 4. (1) Delegates to the constitutional convention shall be elected in the same manner as members of the house of representatives, except the special primary election shall be held September 14, 1971 and the special general election shall be held November 2, 1971.

Thirty (30) days or more before the special general election, the secretary of state shall certify to the registrars the name and description of each person nominated, as specified on the certificate of nomination filed with him.

Section 5. Each member, before entering upon his duties, shall take and subscribe the following oath or affirmation prescribed by section 1 of article XIX of the constitution of the state of Montana: "I do solemnly swear (or affirm) that I will support, protect and defend the constitution of the United States, and the constitution of the state of Montana, and that I will discharge the duties of my office with fidelity; and that I have not paid, or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing to procure my nomination or election (or appointment) except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election law of this state, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office other than the compensation allowed by law, so help me God."

Section 6. Vacancies occurring in the convention shall be filled in the manner provided for filling vacancies in the legislative assembly as provided in sections 43-215 and 43-216, R.C.M., 1947.

"43-215. Filling vacancies in legislative assemby—appointment by board of county commissioners—calling of board meeting. When a vacancy occurs in either house of the legislative assembly, the vacancy shall be filled by appointment by the board of county commissioners, or, in the event of a multicounty district, the boards of county commissioners comprising the district sitting as one appointing board. The chairman of the board of county commissioners of the county in which the person resided whose vacancy is to be filled shall call a meeting for the purpose of appointing the member of the legislative assembly, and he shall act as the presiding officer at the meeting."

"43-216. Alternative method of selection—failure of one candidate to receive majority vote. In the event that a decision cannot be made by the appointing board because of failure of any candidate to receive a majority of the votes, the final decision may be made by lot from a number of candidates, not exceeding the number of counties comprising the district, in accordance with rules of selection adopted by the appointing board."

Section 7. (1) It shall be the duty of the delegates elected to assemble in the chambers of the house of representatives in the state capitol building in the city of Helena at [illegible] a.m. on November 29, 1971, for an organizational meeting of no longer than three (3) days duration.

(2) This meeting shall be for the purpose of electing permanent convention officers, adopting rules of procedure, and providing for such interim committees and staff members as may be necessary to prepare for the plenary meeting of the convention.

(3) Until the convention has adopted rules of procedure, "Mason's Manual of Legislative Procedure" shall govern the procedure of the convention. A majority of the whole number of delegates to the convention shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day. The convention may compel the attendance of its members.

(4) The governor shall call the first meeting of the constitutional convention to order and shall preside until a temporary president is elected. The governor shall:

(a) call the roll of the members-elect, (as shown by the official election returns on file in the office of the secretary of state);

(b) cause the oath called for by this act to be administered to those members-elect who are present;

(c) call for nominations of convention members for the office of temporary president;

(d) cause the roll of members to be called for the purpose of voting for temporary president, and

(e) declare to be elected the person receiving a plurality of votes cast for the office of temporary president.

(5) The temporary president shall then assume the duties of the presiding officer, and the convention shall proceed to the election of a president from within its membership in like manner as the temporary president was elected except that a majority of the votes cast is required to elect the president of the convention. The convention shall then proceed to elect one of its members as vice-president of the convention to preside in the absence of the president.

(6) It shall be the duty of the delegates elected to assemble in plenary session in the chambers of the house of representatives in the state capitol building in the city of Helena at 10:00 a.m. on January 17, 1972. The convention, which may recess from time to time, shall then remain in session as long as necessary.

Section 8. In going to and returning from the convention and during its sessions, the members shall in all cases, except treason, felony or breach of the peace, be privileged from arrest; and they shall not be questioned in any other place for any speech or debate in the convention.

Section 9. The convention may select and employ such employees as it may deem necessary to the efficient conduct of its business, each of whom shall receive such compensation as may be fixed by the convention. The convention may make such other expenditures as it deems proper to carry out its work, but shall not authorize total expenditures in excess of the amount appropriated by law for its expenses.

Section 10. (1) The convention shall determine the rules of its procedure, and be the judge of the election, returns and qualifications of its members. The convention shall keep a verbatim journal of its proceedings and a transcript of its debates. Each committee of the convention shall keep a record of its proceedings and reports. The convention may also provide for the publication of any of its other documents and reports.

(2) The verbatim journal of its proceedings, the transcript of the debates of the convention, and the committee reports and proceedings shall be filed in the office of the secretary of state.

Section 11. (1) It shall be the duty of all public officers and employees to furnish the convention with any and all statements, papers, books, records and public documents that the convention requires on request of the convention or its committees, and appear before the convention or any committee thereof. The convention, and its committees, may compel the attendance and testimony of witnesses and the production of books, records and documents. Oaths may be administered by the president or any other officer of the convention. Subpoenas and subpoenas duces tecum may be issued over the signature of the president or any other officer of the convention, and may be served by any adult person designated by the issuing officer.

(2) Any district court judge, upon application of the convention, may compel the attendance of witnesses, the production of books, records or documents, and the giving of testimony before the convention by an attachment for contempt or otherwise in the same manner as production of evidence, not privileged by law, may be compelled before the court.

Section 12. (1) The convention may use the facilities of the state, municipal or county government when such use is not disruptive of regular governmental activities.

(2) State, municipal and county officers and employees, at the request of the convention and with the consent of the employing agency, may be granted leave with or without pay from their agency to serve as consultants to the constitutional convention. If leave with pay is granted they shall receive no other compensation, except mileage and per diem, from the convention.

Section 13. The convention may also prepare a schedule of proposed legislation for submission to the 1973 legislative assembly that will complement the proposed revisions, alterations or amendments.

Section 14. The convention shall prepare a schedule of transitional provisions and fix the date or dates upon which revisions, alterations or amendments, if adopted by the voters, take effect.

Section 15. (1) Sections 43-801 to 43-808, R.C.M., 1947 providing for the licensing of legislative lobbyists shall apply to lobbying at the constitutional convention.

(2) Licensed lobbyists shall file with the secretary of state a report on February 1, 1972; February 15, 1972; March 1, 1972; March 15, 1972; April 1, 1972; June 14, 1972. The report, under oath, must include all expenditures made by him relative to promoting or opposing constitutional provisions. On the fifth day a report is delinquent, the secretary of state shall suspend the license of any licensed lobbyist who fails to file a report until such report is filed. The suspension shall be entered on the docket, and the president of the convention notified.

(3) Reports must be filed even though no expenditure may have been made.

(4) Reports need not include:

(a) reasonable internal expenditures such as office expenses, mailing and routine research; and

(b) reasonable expenditures for his personal food, lodging and travel.

(5) Expenditures of twenty-five dollars ($25) or less may be reported in total amounts rather than in detail.

(6) A lobbyist who terminates his duties shall give the secretary of state, within thirty (30) days after the date of such termination, written notice and shall include a report of his expenditures covering the period of time since his last report. Such reports shall be final.

(7) The secretary of state shall provide forms and shall keep such reports on file for three (3) years. All records are to be open to the public.

(8) Failure to file reports or the filing of incomplete information is a violation of section 43-808, R.C.M., 1947.

Section 16. (1) For each day of the organizational plenary and signing sessions of the convention, members of the convention shall be paid the same per diem, and expenses as provided in section 43-310, R.C.M., 1947, for members of the legislative assembly.

(2) The president and vice-president of the convention shall be paid the same per diem, and expenses as the president of the senate and speaker of the house of representatives as provided in section 43-311, R.C.M., 1947.

(3) Members and officers shall be entitled to mileage for three (3) trips to and from their residences and Helena by the nearest traveled route at the rate provided for the legislative assembly in section 43-310, R.C.M., 1947.

(4) Officers and employees of the state and its political subdivisions who are not prohibited by the Montana Constitution or laws of Montana from serving as delegates and who are elected and serve as delegates to the convention shall have leave, without pay, from their employment during the time the convention is in session, and they shall be entitled to the per diem, expenses and mileage for delegates as provided in this section.

Section 17. (1) The revision or alteration of, or the amendments to the constitution, adopted by the convention, shall be submitted to the electors of this state for ratification or rejection, at an election appointed by the convention for that purpose, not less than two (2) months nor more than six (6) months after the adjournment of the convention.

(2) The convention may submit proposals to the electorate for ratification in any of the following forms:

;

(a) submitted as a unit in the form of a new constitution;

(b) submitted as a unit with the exception of separate proposals to be voted upon individually, or

(c) submitted in the form of a series of separate amendments.

(3) The proposals adopted by the convention shall be certified by the president and secretary of the convention to the secretary of state.

(4) Each proposed revision, alteration, or amendment, together with appropriate information explaining each revision, alteration, or amendment, shall be published in full and disseminated to the electors upon adjournment of the convention but not later than thirty (30) days preceding the election and in such manner as the convention prescribes.

(5) The convention shall also publish a report to the people explaining its proposals.

(6) Notice of the election shall be given in the manner and form prescribed by the convention.

(7) The convention shall prescribe the manner and form of voting at such election.

(8) The votes cast at such election shall be tabulated, returned and canvassed in such manner as may be directed by the convention.

(9) If a majority of the electors voting at the special election shall vote for the proposals of the convention the governor shall by his proclamation declare the proposals to have been adopted by the people of Montana. The new constitutional provisions shall take effect as provided therein, or as provided in a schedule of transitional provisions attached thereto.

(10) The election laws of the state of Montana shall apply in all other respects to the election conducted under this section.

Section 18. Every person who, at the time of holding of the elections provided for in this act, is a qualified voter under the constitution and laws of this state shall be entitled to vote in such election.

Section 19. All state and local officials shall do all those things which are appropriate to the holding of each of the special elections provided for in this act and which are required under the general election laws.

Section 20. (1) A temporary state agency known as the Montana constitutional convention commission consisting of sixteen (16) members is hereby created to prepare for the constitutional convention. Legislators whose terms of office have not expired shall not be appointed to the commission. Members of the commission shall be appointed for a term ending upon *sine die* adjournment of the constitutional convention, consideration being given to geographic, economic, and other pertinent factors as follows:

(a) four (4) members appointed by the speaker of the house of representatives, no more than two (2) of whom shall be affiliated with the same political party;

(b) four (4) members appointed by the committee on committees of the senate, no more than two (2) of whom shall be affiliated with the same political party;

(c) four (4) members appointed by the governor, no more than two (2) of whom shall be affiliated with the same political party;

(d) four (4) members appointed by the supreme court, no more than two (2) of whom shall be affiliated with the same political party.

(2) Commission members shall be reimbursed for actual and necessary expenses incurred as commission members.

(3) Vacancies in the membership of the commission shall be filled in the same manner as the original appointments, except when the legislature is not in session a vacancy among members appointed by the Speaker of the House and the committee on Committees of the Senate may be filled by selection of another member by the remaining members of commission.

(4) The commission shall select from its membership a chairman and any other officers it considers necessary.

(5) The commission may employ and fix the compensation and duties of necessary staff.

(6) State, municpal and county officers and employees at the request of the commission and with the consent of the employing agency, may be granted leave with or without pay from their agencies to serve as consultants to the constitutional convention commission. If leave with pay is granted they shall receive no other compensation, except mileage and per diem, from the commission.

(7) It shall be the duty of the commission, in order to prepare for the constitutional convention: to undertake studies and research; to compile, prepare and assemble essential information for the delegates, without any recommendation.

(8) The chairman shall schedule meetings of the commission as deemed necessary. The chairman shall give due notice of the time and place of the meetings to members of the commission. The director shall report at each meeting.

(9) The commission shall maintain a written record of its proceedings and its finances which shall be open to inspection by any person at the office of the commission during regular office hours.

(10) Upon request, state agencies shall cooperate with the commission by furnishing assistance and data to the extent possible.

(11) The commission may accept and expend any federal funds which may be available for support of the preparatory study.

(12) The commission shall report its findings and any recommendations it considers necessary to the convention and transfer its files to the constitutional convention within ten (10) days after the constitutional convention has convened.

Section 21. (1) The following amount is appropriated from the general fund to the constitutional convention commission:

For the period ending February 1, 1972 $149,540

Any amount unexpended from this appropriation on February 1, 1972 is appropriated to the constitutional convention for the biennium ending June 30, 1973.

(2) The following amount is appropriated from the federal and private fund revenue fund to the constitutional convention commission:

For the period ending February 1, 1972 $149,461

Any amount unexpended from this appropriation on February 1, 1972 is appropriated to the constitutional convention for the biennium ending June 30, 1973.

(3) The following amount is appropriated from the general fund to the constitutional convention:

For the biennium ending June 30, 1973 $499,281

(4) The following amount is appropriated from the general fund to the secretary of state for the elections relating to the constitutional convention:

For the biennium ending June 30, 1973 $41,000

Section 22. If any part of this act shall be declared invalid or unconstitutional, it shall not affect the validity of any other part of this act.

Section 23. This act is effective on its passage and approval.

Section 24. This act is repealed effective June 30, 1973.

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MONTANA CONSTITUTIONAL CONVENTION

1971 - 1972

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CHAPTER I
GENERAL PROVISIONS

Rule 1 - Quorum and Majority

A quorum of the Delegates, as hereinafter defined, shall constitute a quorum for the transaction of business but a smaller number may adjourn the Convention from day to day and may prescribe the attendance of absent Delegates by the means approved by a majority, but not less than twelve (12) of the Delegates present and voting. A majority of Delegates may prescribe penalties for the nonattendance of Delegates.

When a quorum is obtained, the affirmative vote of a majority of the Delegates present and voting is sufficient for the adoption of any motion or resolution or the taking of any action by the Convention or the Committee of the Whole except that under order of business No. 5 and No. 6 and as otherwise specified in these rules an affirmative vote will require the majority of the elected Delegates for which no vacancy exists by resignation, expulsion under Rule 19, or death.

Rule 2 - Seat of Convention

The House of Representatives chambers in the State Capitol in the City of Helena, Montana, the foyer to said chambers and the south Senate lobby is designated "Convention Hall" and shall be the seat of the Convention. Sessions and hearings of the standing committees of the Convention may be held throughout the state as provided in Rule 42 of these rules.

Rule 3 - Sessions of the Convention

All sessions of this Convention and all meetings of its committees shall be open to the public and the news media.

Rule 4 - Admission to Floor - Defined

Only Delegates, officers, employees, members of the news media, and such other persons as may be authorized by the President shall be admitted to the Convention hall one-half (½) hour prior to the commencement of the session, during the session, and within one-half (½) hour after adjournment.

CHAPTER II
OFFICERS AND EMPLOYEES

Rule 5 - Officers of the Convention

There shall be elected from the delegates, by majority vote, the following permanent officers: a President, a First Vice President, two additional Vice Presidents, one from each Congressional District, and a Secretary.

The President shall nominate an Executive Director, whose nomination shall be ratified by the Convention and who shall be subject to removal by the Convention. The salary of the Executive Director shall be established by resolution of the Convention.

Rule 6 - Duties of the President

The President shall preside at sessions of the Convention and of the Committee of the Whole, and exercise the usual powers and perform the usual duties of a presiding officer. He shall preserve order and decorum and fairly assign floor rights. He may speak to points of order and, subject to an appeal to the Convention or to the Committee of the Whole, shall decide points of order.

The President shall be chief executive of the Convention, and all other officers and employees shall be responsible to his general supervision.

Together with the Secretary of the Convention, he shall authenticate by signature all proposals, resolutions or other formal acts adopted by the Convention.

He shall cause to be prepared and furnished to each delegate a daily calendar and agenda of business for each session of the Convention.

He shall, with the advice of the Committee on Administration, prepare a budget and submit it to the Convention for its approval on or before January 21, 1972. Every two weeks thereafter, he shall submit to the Convention a report of the expenditures of the Convention for the preceding two weeks.

He shall, with the advice of the Committee on Administration, let bids and award contracts for materials and services.

He may vote in all elections, on all decisions called for by any delegate, and on all questions taken by ayes and nays, except that the President may [illegible] then again to break it.

He may appoint any Delegate to preside temporarily at any session of the Convention or any Committee of the Whole, but not for longer than one day at a time without leave of the Convention.

Rule 7 - Duties of the Vice Presidents

The First Vice President shall have such duties as the President may assign, and shall preside as President in case of the sickness or absence of the President, or in case of a vacancy in the office of President. The two additional Vice Presidents shall have such duties as shall be assigned by the President: neither shall have the right of succession.

Rule 8 - Duties of the Secretary

The Secretary shall have custody and preserve all proposals, resolutions, committee reports and all other records, books, documents and papers of the Convention. He shall not permit them to be taken out of his custody except in the regular course of the business of the Convention.

He shall certify and deliver to the Secretary of State the revisions, alterations or amendments to the Constitution as approved by the Convention for submission to the electorate.

The Secretary shall keep a journal of the proceedings of the Convention in conformity with the rules, supervise the daily publication thereof, and make such corrections as may be necessary. He shall furnish each Delegate a copy of the proceedings of the previous day. The journal shall be considered the approved journal of the Convention, unless otherwise ordered thereby. The Convention Reporter shall keep a verbatim record of Convention proceedings and shall, within the time prescribed by the Convention, provide a verbatim transcript of all proceedings had in Convention, sessions and the sessions of the Committee of the Whole.

He shall have such other duties as stipulated in these rules, but, after consultation with the President, he may delegate part of these duties to the Executive Director or another employee designated by the President. He may not, however, delegate the duty of certifying the revisions, alterations or amendments to the Constitution approved by the Convention for submission to the electorate.

Rule 9 - Duties of the Executive Director

The Executive Director of the Convention shall be primarily responsible for the administration of the Convention under the authority and supervision of the President.

Rule 10 - Vacancies

If a permanent vacancy occurs in both the offices of President and First Vice President, the Secretary shall temporarily preside until the Convention elects a President and First Vice President to fill the office in the same manner in which the officers were first elected.

If a permanent vacancy occurs in the office of any of the other Vice Presidents or in the office of the Secretary, the President shall appoint a member to exercise the powers of that vacant office until the Convention fills the vacancy in the same manner in which the officer was first elected.

Rule 11 - Employees of the Convention

The Committee on Administration, after consultation with the President, shall appoint such employees as may be necessary for the effective operation of the Convention. The titles of their positions and their salaries shall be established by the Convention.

CHAPTER III
DELEGATES

Rule 12 - Assignment of Seats

The permanent seats of the Delegates shall be assigned by the President in the following order: alphabetically from left to right while facing the Chair and from the front to the rear. Variations in this seating may be authorized by the President for the officers of the Convention. If a vacancy occurs, the person selected to fill the vacancy shall continue to have the seat of the Delegate

Rule 13 - Conduct in Debate - Questions of Privilege

When any Delegate is about to speak in debate or to present any matter to the Convention, he shall rise from his seat and address himself to "Mr. President" except when in the Committee of the Whole and then to "Mr. Chairman"; he shall not speak until recognized, and when recognized he shall confine himself to the question under consideration and avoid personalities and offensive language. Questions of privilege shall be governed by Chapter 23 of Mason's Legislative Manual.

Rule 14 - Delegates Called to Order

The President or any Delegate may challenge any other Delegate who, in speaking, violates the rules of the Convention. Upon such challenge, the President may order the speaker to sit down. The President's order to sit down, or the failure of the President to order the speaker to sit down may be appealed.

Rule 15. - Dissent of Delegates

Any two or more Delegates shall have the liberty to dissent from and protest in respectful language against any action or resolution relating to the Convention which they think injurious to the public or to any individual, and have the reasons for their dissent entered upon the Journal.

Rule 16 - Times a Delegate May Speak

Except as provided by Rule 28, no Delegate may speak more than once on the same question without leave of a majority of those present and voting unless he be the mover of the matter pending or Chairman of the committee that reported it, in which case he shall be privileged to speak twice.

Rule 17 - General Limit on Debate

No Delegate shall speak longer than ten minutes at any one time, nor more than once on the same question, except by leave of the Convention; except that the Delegate handling a proposal shall have the right to speak no longer than five minutes to close debate, even if the previous question has been ordered and even if he has spoken once before on the issue. The restriction imposed by this rule shall not be applicable to Chairmen and vice Chairmen of committees when the latter are presenting a report of their committee to the Convention or to the Committee of the Whole, and the same exemption from the requirement of this rule shall also be applicable in the case of the chief spokesman for a minority report of a committee of the Convention. Any Delegate shall have one minute to explain his vote on any roll call vote on proposals or amendments to proposals anytime prior to the closing of the vote on the question.

Rule 18 - Absence of Delegates

No Delegate shall absent himself from the sessions of the Convention unless he have leave

Rule 19 - Contemptuous Behavior of Delegates

Any Delegate who persists in disorderly conduct after being warned by the President or Chairman of the Committee of the Whole, that he is out of order, may, by motion duly made and carried by a two-third's majority of the Delegates elected, be held in contempt and be required to purge himself of such misconduct, and until such Delegate has purged himself, he shall not be entitled to the privileges of the floor.

Rule 20 - Disclosure of Personal Interest

Any Delegate who has a significant personal or private interest, economic or otherwise, in a matter before the Convention shall disclose this interest to the Convention.

Rule 21 - Vacancies

Vacancies occuring in the Convention shall be filled in the manner provided for filling vacancies in the legislative assembly as provided in Sections 43-215 and 43-216, R.C.M., 1947.

Rule 22 - Compensation of Delegates

For each day of the organizational session and each day of any session of the Convention, Delegates shall be paid the same per diem and expenses as provided in Section 43-310, R.C.M., 1947, for members of the legislative assembly. Delegates shall be entitled to mileage for three trips to and from their residences and Helena by the nearest traveled route at the rate provided for the legislative assembly in Section 43-310, R.C.M., 1947.

The President and First Vice President shall be paid the same per diem and expenses as the President of the Senate and Speaker of the House of Representatives, as provided in Section 1[illegible] R.C.M., 1947.

CHAPTER IV
COMMITTEE OF THE WHOLE

Rule 23 - Committee of the Whole

All proposals reported by any Substantive Committee of the Convention shall be referred to the Committee of the Whole and become general orders to be placed upon the calendar and agenda of the Committee of the Whole by the President. No committee proposal shall be considered by the Committee of the Whole until forty-eight (48) hours after the duplicated committee proposal has been placed on the Delegates' desks, unless the Convention agrees to its earlier consideration. No committee proposal shall be placed on the Delegates' desks until after it has been reported to the Convention under Order of Business No. 1.

Rule 24 - Consideration of Proposals

When the Convention reaches consideration of general orders of the day, it shall resolve itself into Committee of the Whole. General orders shall be considered as follows: first, in order of referral, proposals of the Committee on Style; second, in order of referral, proposals of Substantive Committees. The Committee of the Whole may consider a particular proposal out of turn. No recorded roll call vote shall be taken, except upon the demand of five (5) Delegates.

Rule 25 - Amendments in Committee of the Whole

Every motion or amendment shall be reduced to writing if the President or any Delegate shall request it, and shall be entered upon the Journal, together with the name of the Delegate making it, unless the motion is withdrawn by the maker or is ruled out of order by the Chairman.

Rule 26 - Motion that Committee of the Whole Rise

A motion that the Committee of the Whole rise and report progress shall always be in order unless a member of the Committee is speaking or a vote is being taken, and such motion shall be decided without debate by a vote of a majority of those present and voting; and provided further, when the Committee of the Whole again sits, the subject under consideration prior to the motion to rise and report progress shall again be resumed.

Rule 27 - Reconsideration

A motion to reconsider shall be in order in the Committee of the Whole by a majority vote of those present and voting, before the Committee shall rise and finally report. A motion to reconsider shall not be renewed.

Rule 28 - Application of Convention Rules

The rules of the Convention shall be observed in the Committee of the Whole so far as they may be applicable except that: the Committee of the Whole cannot adjourn the Convention; the previous question shall not be ordered; a majority vote is necessary to approve a proposal; the Committee may rerefer any proposal back to the Substantive Committee from which it came or may refer it to any other Substantive Committee; and a motion to postpone indefinitely or a motion to table or for a Call of the Convention shall not be in order. A member may speak more than once in the Committee of the Whole. A journal of its proceedings and a verbatim transcript of its debates shall be kept by the Committee of the Whole.

Rule 29 - Limitation of Debate

[illegible] proposal [illegible] upon the Committee of the Whole, any Delegate shall be privileged to move that [illegible] be placed upon the time of the debate and consideration of such proposal [illegible] the Committee of the Whole proceed to equal times is to be afforded to the proponents and [illegible] proposal, and the Committee may fix in advance of consideration of a proposal or proposals a time for Committee to rise and report progress.

CHAPTER V
COMMITTEES

Rule 30 - Substantive Standing Committees

The Substantive Standing Committees are:

Bill of Rights
Legislative
[illegible]
Judiciary
[illegible] Government
[illegible] and Finance
Education and Public Lands
Public Health, Welfare, Labor and Industry
Natural Resources and Agriculture
General Government and Constitutional Amendment

Rule 31 - Procedural Standing Committees

The Procedural Standing Committees are:

Administration
Public Information
Rules and Resolutions (Rules)
Style, Drafting, Transition and Submission (Style)

Rule 32 - President Ex Officio Member of All Standing Committees

The President shall be an ex officio member of all standing, Substantive, and Procedural Committees, but shall not vote except to break a tie and shall not be counted for the purpose of determining a quorum.

Rule 33 - Select Committees

The President may on his own initiative or at the direction of the Convention appoint such select committees as may be necessary to perform special functions.

Rule 34 - Appointment of Committee Members

The President, after consultation with the Vice Presidents shall appoint the committee members, but any appointment, on the announcement thereof, may be rejected by a majority of the members of the Convention prior to adjournment on January 19, 1972. Each member, except the President, shall be appointed to serve on one Substantive Standing Committee.

Rule 35 - Appointment of Committee Chairmen and Vice Chairmen

The President, after consultation with the Vice Presidents, shall designate the Chairman and Vice Chairman of every committee, and his designees shall be subject to the approval by a majority of the members of the Convention. In case of a vacancy or the prolonged absence of the Chairman and Vice Chairman, the President of the Convention shall appoint a Chairman to act until the Chairman or Vice Chairman shall return. The Vice Chairman shall perform all of the duties and functions of the Chairman in the absence of the Chairman. Committee Chairman and vice Chairman shall vote on all items before the Committee the same as other Delegates.

Rule 36 - Quorum and Rules of Committees

A majority of any Committee constitutes a quorum, but the question of the presence of a quorum of a Committee may not be raised on the consideration of a proposal before the Conven-

tion, unless the question has been [illegible] the Committee. The rules of procedure shall be observed in all Committees as far as may be applicable, and, if applicable, [illegible] suspended.

Rule 37 - Calling of Committees and Agenda

Each Committee shall meet at the call of its Chairman, who shall also set its agenda, with the advice and consent of the Committee. Any three (3) members of a Committee may in writing request the Chairman to call a meeting of that Committee, and upon his failure to do so within [illegible] eight (48) hours not including nonsession days and legal holidays, a majority of the members of the Committee shall have the right to call a meeting of the Committee and set its agenda and place of meeting under the appropriate notice requirements. Each Delegate proposal referred to a Committee must appear on the Committee's Agenda at least once, but the Committee shall not be required to report to the Convention thereon except as provided in Rule 41.

Rule 38 - Notice of Committee Hearings

No Substantive Committee hearings may be held unless notice thereof is [illegible] following manner: the Secretary of the Convention shall be furnished an original and three [illegible] of a written notice, signed by the Chairman or members of the Committee calling the hearing. The notice shall state the date, hour, and the place of the proposed hearing and the proposal number or subject matter to be considered. The Secretary shall post one copy thereof on a designated bulletin board with an endorsement thereon of the hour and date of the posting, which may not be less than 3 days before the time of the hearing. The original notice shall be retained by the Secretary. The other copies shall be returned to the Chairman of the Committee and the Public Information Director with the endorsement of the Secretary. The Substantive Committee Secretary shall deliver a copy of the notice to all members of the Committee and to all members of the Convention who have introduced proposals on the subject matter to be considered.

Each Substantive Committee shall hold a public hearing at which time citizens of Montana will be invited to appear and testify, and file statements containing their testimony and views, upon any and all phases of the proposed constitution being considered by such Committee. Such witnesses may be questioned by Committee members to better elucidate their testimony. All Delegates to the Convention, not members of the Committee conducting the hearing, may attend the hearing as auditors, to better inform themselves of the Committee's progress

The Substantive Committees will hold their hearings, designed to secure state-wide participation in deliberations on the Constitution, in a series at times fixed by the President of the Convention. The President will make such announcement and invitation via the news media so that Montana citizens near and far will have no less than five (5) days' notice so they may be able to avail themselves of an opportunity to appear, testify and participate.

These state-wide general hearings will in no way inhibit Standing Committees to follow up with additional hearings of special character as provided elsewhere in this rule.

Rule 39 - Sitting of Committees During Sessions of the Convention

No Committee shall sit during the sessions of the Convention or of the Committee of the Whole, without having first obtained special leave of the Convention.

Rule 40 - Subcommittees

A Committee, by the affirmative vote of a majority of its members, may provide for the appointment by the Committee Chairman of subcommittees composed of members of the committee. Reports of subcommittees shall be considered by the entire Committee before the Committee recommends any action thereon by the Convention. All rules applicable to Committees shall be applicable to subcommittees.

Rule 41 - Committee Proposals

The affirmative vote of a majority of the members of a Committee shall be necessary to report a proposal out of Committee. A Committee by a majority of its members may submit alternative proposals to the Convention and may report proposals with or without a recommendation for action. The proposal of a minority of at least twenty-five percent (25%) of the members of any Committee shall be received, duplicated in the same manner as the majority proposal, and treated as an amendment or substitute offered to or for the report of the committee if offered as such on the floor.

All proposals reported by a Committee to the Convention shall be reported as Committee proposals and shall be referred to the Committee of the Whole.

Rule 42 - Committee Meetings and Hearings

All Committee and subcommittee meetings and hearings shall be open to the public and the news media. Committees and subcommittees shall hold meetings at which action may be taken on proposals in the city of Helena or any other place which may be temporarily the seat of the Convention, and, upon the affirmative vote of a majority of the members of the Committee and after consultation with and approval by the President, may hold hearings at any other place in the State. Committees and subcommittees may take testimony under oath of affirmation. The Chairman of a Committee or subcommittees may request the President of the Convention to subpoena documents and witneses. A witness shall have the right to be represented by counsel of his own choosing. A recorded roll call vote on any matter on the agenda of a Committee and on which a vote is taken shall be taken upon request of any member of the Committee. A Committee, after consultation with and approval by the President, may direct that a verbatim record be kept of any portion of its meeting.

Committees may meet jointly with the consent of their respective Chairmen, and the consent of the President.

Rule 43 - Consideration of Proposals Without Committee Recommendation

After one day's notice the Convention, on motion passed by the affirmative vote of a majority of members, may require a Committee to return, with or without a recommendation, any proposal referred to the Committee.

Rule 44 - Last Day for Committee Proposals

The Committee of the Whole will receive no final proposal of a Substantive Committee after the committee established under Rule 79.

Rule 45 - Power to Incur Expenses

No Delegate or Committee shall incur any expense chargeable to the Convention unless such expense is approved by the President or is authorized by resolution of the Convention. No motion or resolution calling for an expenditure of money shall be acted upon by the Convention without first being referred to the Administration Committee for consideration and recommendation.

CHAPTER VI
DELEGATE PROPOSALS, RESOLUTIONS AND CITIZEN SUGGESTIONS

Rule 46 - Proposals - Introduction

Any suggestion, proposition or draft intended to become a part of any revised constitution or amendment or alteration of the existing constitution which is introduced by one or more Delegates shall be called a Delegate Proposal. A Delegate Proposal shall be endorsed by the Delegate or Delegates introducing it. No Delegate Proposal may be introduced later than the deadline established under Rule 79. When a Delegate Proposal is introduced it shall be referred by the President to the proper Standing Committee, except when he refers it to the Committee on Rules and Resolutions to determine whether its content is on the appropriate order of business. By vote of at least one-third (1/3) of the Committee on Rules and Resolutions any proposal shall be referred to a Standing Committee.

Where a proposal embraces subject matter which falls within the proper consideration of several Committees, the President, where practicable, shall divide the proposal and refer the parts to the appropriate committees; if it is not subject to such division, the President shall refer it to an appropriate Committee with instructions to consult with other Committees on related matters.

Rule 47 - Forms

The Executive Director, under the supervision of the President, shall prepare forms in accordance with these rules for Delegate Proposals, Citizen Suggestions, Resolutions and Committee Proposals.

The Delegate Proposals shall be reproduced or duplicated. The original of all proposals shall remain in the custody of the Convention. The Secretary shall, as soon as any proposal is reproduced or duplicated, place it on the desks of the Delegates.

All proposals must be approved as to form by some person or agency designated by the President before being introduced or submitted.

Any Delegate Proposal which does not comply with the provisions of these rules as to form shall be referred to the appropriate Committee as a Citizen Suggestion.

Rule 48 - Resolutions

Resolutions may be introduced by Delegates or Committees.

Delegate resolutions shall be given to the Secretary, assigned a number and referred to the appropriate Committee by the President.

After consideration, the Committee shall report the resolution to the Convention with or without recommendation and the resolution shall be considered under Order of Business No. 1.

If the rules are suspended for early consideration the Secretary shall read the resolution and it shall be considered under Order of Business No. 7.

Committee resolutions shall be read by the Secretary under Order of Business No. 7 and considered under Order of Business No. 7.

No recorded roll call vote shall be taken under the consideration of resolutions.

Rule 49 - Citizen Suggestions

Any subject matter presented to the constitution suggested by a non-delegate shall be called a citizen suggestion.

Citizen suggestions shall be given a number by the Secretary and the original shall be referred by the President to the appropriate Committee for consideration but need not be placed on the agenda of the Committee.

Before the Convention adjourns sine die, the original shall be returned to the Convention Secretary.

Rule 50 - Present Constitution - Referral

The President shall refer each section of the present Montana Constitution to the appropriate Committees.

Rule 51 - Order of Consideration of Proposals

The prescribed order in which proposals introduced in the Convention are to be considered shall be as follows:

Introduction. Delegate proposals shall be filed with the Secretary.

Delegate proposals shall be assigned a number by the Clerk, referred to the appropriate Committee by the President, duplicated and distributed to the Delegates.

Standing Committee Consideration. Standing Committees shall consider all Delegate Proposals referred to the Committee, prepare Committee Proposals, report Committee Proposals under Order of Business No. 1. Committee Proposals will be received by the Convention without a debate or vote. The President shall refer all Committee Proposals to the Committee of the Whole. The Committee Proposal shall be duplicated and distributed to the Delegates. Minority Committee Proposals signed by twenty-five percent (25%) of any Committee will be duplicated and referred to the Committee of the Whole.

Committee of the Whole Consideration. Committee Proposals will be considered, debated and amended by the Committee of the Whole in order of reference and placed on General Orders of the Day.

The Committee of the Whole shall debate and adopt by section the Committee Proposal.

The Committee of the Whole shall report to the Convention under Order of Business No. 7 and refer the proposed Article to the Committee on Style. A motion to segregate a report of the Committee of the Whole shall not be in order.

Consideration and Report of the Committee on Style - Articles. The Committee on Style shall make only changes as to style, form and grammar. The report of the Committee on Style on each Article shall be made on Order of Business No. 1. The report shall be received by the Convention without debate or vote and the President shall refer the report to the Committee of the Whole. The report shall be duplicated and distributed to the Delegates.

Committee of the Whole Consideration of the Report of the Committee on Style. The report of the Committee on Style shall be considered, debated and amended by the Committee of the Whole section by section as to style, form and grammar. The report of the Committee of the Whole shall be referred to Order of Business No. 5 for final consideration.

Final Consideration of Articles. The Convention shall finally consider individual Ar-

ticles at Order of Business No. 5, Section by Section, by a majority of elected Delegates and refer said Articles to the Committee on Style for incorporation in the proposed Constitution.

Consideration and Report of the Committee on Style of Proposed Constitution and Ballot. The Committee on Style shall prepare for submission to the electorate the proposals of the Convention and a ballot. The report of the Committee on Style on its proposals shall be made on Order of Business No. 1 and shall be received by the Convention without debate or vote and the President shall refer the report to the Committee of the Whole. The report shall be duplicated and distributed to the Delegates.

Committee of the Whole Consideration of Proposed Constitution and Ballot. The proposal on the Committee on Style shall be considered only as to the form of the proposed constitution and the form and the style of ballot. The report of the Committee of the Whole shall be referred to Order of Business No. 6. The vote on Order of Business No. 6 shall be without debate and be a recorded roll call vote of the Delegates.

Enrolling. The President shall direct the enrolling of the final proposal or proposals of the Convention.

Signing of the Constitution. The enrolled copy shall be signed by the President, attested by the Secretary and then signed by the other Delegates in alphabetical order.

Rule 52 - Required Vote on Final Consideration and Adoption

On final consideration of committee proposals, a roll call vote shall be taken section by section and entered in the journal.

On Adoption of the proposed constitution and ballot, a roll call vote shall be taken on the proposed constitution and on the ballot, and shall be entered in the Journal.

Rule 53 - Unfinished Special Orders

Any subject matter which has been made a special order for a particular day, but which is not reached on that day, shall then come up for consideration under the order of "unfinished business" at the next succeeding session of the Convention.

CHAPTER VII
TRANSACTION OF BUSINESS

Rule 54 - Order of Business

AFTER CALL TO ORDER, INVOCATION AND ROLL CALL the order of business of the Convention shall be as follows:

1. Reports of Standing Committees
2. Reports of select Committees
3. Communications
4. Introduction and reference of Delegate Proposals
5. Final consideration of Proposals
6. Adoption of proposed constitution and ballot
7. Motions and resolutions
8. Unfinished business
9. Special orders of the day
10. General Orders of the Day (Committee of the Whole)
11. Committee announcements and notices

To revert to or pass to a new Order of Business requires only a majority vote. Unless otherwise specified in the motion to recess, the Convention shall revert to Order of Business No. 1 when reconvening after a recess.

Rule 55 - Roll Call

The Secretary shall call the roll at the opening of each session of the Convention and the President shall announce whether a quorum is present. The President shall announce, and the Secretary shall enter in the Journal, the names of the Delegates absent with leave of the Convention, and the names of the Delegates absent without such leave. Vote by machine may be taken whenever a roll call or a vote by ayes and nays is directed by or in accordance with these rules.

Rule 56 - Petitions - Entered in Journal

No memorial, remonstrance, or petition shall be read or be entered in full in the Journal, unless ordered read or entered in the Journal by the Convention.

Rule 57 - Motions

When a motion is made, it shall be stated by the President; or, if in writing, it shall be handed to the clerk and read aloud to the Convention before being debated.

Rule 58 - Reduced to Writing

Every motion or amendment shall be reduced to writing if the President or any Delegate shall request it, and shall be entered upon the Journal, together with the name of the Delegate making it, unless the motion is withdrawn by the maker or is ruled out of order by the President.

Rule 59 - Withdrawal of Motions

After a motion has been stated by the President or read by the Secretary, it shall be deemed to be in the possession of the Convention, but it may be withdrawn by the Delegate at any time before being amended or put to vote.

Rule 60 - Privileged Motions

When a question is under debate, no motion shall be received except —

1. To fix the time to which to adjourn
2. To adjourn
3. To take a recess
4. To reconsider
5. To lay on the table
6. For a Call of the Convention
7. To move the previous question
8. To limit debate
9. To postpone to a day certain
10. To commit
11. To amend
12. To postpone indefinitely.

The motions listed in this rule shall take precedence in the order which they stand arranged. All of them shall be decided by the affirmative vote of a majority of those present and voting, except that a motion for the previous question requires the affirmative vote of two-thirds of those present and voting and a motion to postpone indefinitely requires the affirmative vote of a majority of elected Delegates. When a recess is taken while a question is pending, consideration of such question shall be resumed when the Convention reassembles, unless it determines otherwise. No motion to postpone to a day certain, or to commit, having been decided by the Convention, shall again be in order on the same day or at the same stage of the question. Whenever a proposal is being considered and a motion is then made, either to postpone indefinitely or to commit, amendments to the pending proposal shall first be in order before any vote is taken on any such motion.

Rule 61 - Motions not Debatable

A motion to adjourn is always in order except when a motion to fix the time to which to adjourn, or a motion to amend the calendar and agenda, is pending. A motion to adjourn, a motion to lay on the table, a motion for recess pending the consideration of other business and all matters relating to questions of order, shall be decided without debate.

Rule 62 - Order of Putting Questions

All questions shall be put in the order in which they are moved, except in the case of privileged motions.

Rule 63 - Amendments must be Germane

No motion or proposition relating to a subject different from that under consideration shall be admitted under color of an amendment or substitute.

Rule 64 - Division of Question

Any Delegate may call for a division of the question, which shall be divided if it includes propositions which are so distinct in substance that when one is removed or deferred, a substantive proposition remains for the decision of the Convention. A motion to strike out and insert shall not be subject to division within the meaning of this rule.

Rule 65 - Previous Question

The method of ordering the previous question (which shall not be made in the Committee of the Whole) shall be as follows: Any Delegate may move the previous question and, unless otherwise stated, the motion shall apply to the immediately pending question only. The presiding officer shall put the question, "Shall the main question now be put?" This shall be ordered only by the affirmative vote of two-thirds (2/3) of the Delegates present and voting. Prior to the ordering of the same, a Call of the Convention may be moved and ordered, but after ordering the previous question nothing shall be in order prior to the decision of the pending question or questions, except demands for the ayes and nays, points of order, appeals from the decision of the Chair, and a motion to adjourn or to take a recess, all of which shall be decided without debate. The effect of ordering the previous question is to put an end to all debate and bring the Convention to a direct vote upon the immediately pending question, and such other pending questions as were specified in the motion in their order down to and including the main question; provided however, that when the previous question is ordered, amendments then on the Secretary's desk shall be acted upon. When a motion to reconsider has been taken under the previous question and decided in the affirmative, the fact that the previous question had been ordered shall have no operation or effect with respect to the question for which reconsideration has been ordered. If the Convention refuses to order the previous question, it shall resume consideration of the pending subject as though no motion for the previous question had been made.

Rule 66 - Motion for Reconsideration

Any Delegate who voted on the prevailing side may move for a reconsideration of any question at the same session day of the Convention or may give notice that he will make such a motion not later than the next succeeding session day. If the Delegate who gave the notice does not make the motion at the next succeeding session day, any Delegate may do so. The Committee on Style may move for reconsideration on any subsequent day if one session day's notice of its intention to do so is given in writing to the Secretary and entered upon the Journal. A motion to reconsider shall take precedence over all other questions, except a motion to fix the time to which to adjourn, a motion to adjourn and a motion to recess. A motion to reconsider shall not be renewed.

Rule 67 - Ordering Calls of the Convention

Calls of the Convention may be ordered upon motion by the affirmative vote of a majority of the Delegates present and voting, but the total vote in favor of such Call shall not be less than twelve (12).

Rule 68 - Procedure on Call of Convention

After a Call of the Convention is ordered the doors shall be closed and the Delegates shall not be permitted to leave the floor of the Convention without permission of the President of the Convention. The Sergeant at Arms shall notify all members within the bar of the Convention of the Call. The roll of the Convention shall be called and the absentees noted. The Sergeant at Arms may, upon motion, be dispatched after the absentees. In such case, a list of the absentees shall be furnished by the Secretary to the Sergeant at Arms, who shall bring such absentees to the floor of the Convention with all possible speed. In case the Sergeant of Arms requires assistance in addition to the regularly appointed assistant Sergeants at Arms of the Convention, the President, upon motion, may deputize as a special assistant Sergeant at Arms any person properly qualified. The Convention may proceed to business under a Call of the Convention pending the arrival of any absentees.

CHAPTER VIII
LOBBYISTS

Rule 69 - Registration and Regulation

Section 10 of the Enabling Act regulating lobbying during the Montana Constitutional Convention is adopted by this Convention by reference. Lobbying on the floor and foyer of the Convention Hall and South Senate Lobby is prohibited one-half (1/2) hour prior to the commencement of the session, during the session and within one-half (1/2) hour after adjournment.

CHAPTER IX
MISCELLANEOUS

Rule 70 - Reading of Documents

When the reading of a document is called for and an objection is raised to such reading, the Convention shall determine without debate whether the document shall be read.

Rule 71 - Putting the Question

The President or Chairman shall put all questions substantially in this form: "As many as are in favor of (as the question may be) say 'aye';" and after the affirmative vote is expressed, "as many as are opposed say 'no'." If the President or Chairman is in doubt as to the vote, he may order a division or roll call of the Convention.

A division of the Convention may be had upon the demand of five (5) Delegates. When a division of the Convention is ordered, the President shall declare the result.

A recorded roll call may be had upon the demand of five (5) Delegates.

On a tie vote the question shall be determined as lost.

Rule 72 - Recognition During Roll Call

After a question has been stated by the President, and the call of the roll has been started, the President shall not recognize a Delegate for any purpose except upon points of order, or for the purpose of explaining his vote on a proposal or amendment thereto, until announcement of the vote. The clerk shall enter upon the Journal the names of those voting "aye" and the names of those voting "no."

Rule 73 - Roll Call

At the roll call to be taken at the opening of each session and upon calls of the Convention, the names of the Delegates shall be called alphabetically or the voting machine shall be used, and the absentees noted, after which the names of the absentees shall not be called.

Rule 74 - Amendment or Suspension of Rules

These rules may be amended by the affirmative vote of a majority of Delegates after the proposed amendment has been submitted in writing, has been considered by the Committee on Rules, and has been in the possession of the Delegates not less than two (2) session days prior to its consideration. The Committee on Rules may be discharged from further consideration of any proposed amendment upon the same notice and by the same vote as is provided in Rule 44 for proposals. One or more rules may be suspended for a specified purpose by the affirmative vote of two-thirds (2/3) of the Delegates present or a majority of all Delegates of the Convention, whichever constitutes the lesser number.

Rule 75 - Appeals - Form of Question

On all appeals from decisions of the Chair the question shall be "Shall the appeal be sustained?" A favorable vote of a majority of the Delegates present and voting shall sustain the appeal. The presiding officer may cast his vote on an appeal from his decision, and he shall have the right to explain his decision.

Rule 76 - Mason's Rules on Legislative Procedure

In all cases not covered by these rules, the controlling parliamentary authority shall be the latest edition of *Mason's Rules of Legislative Procedure.*

Rule 77 - Voting by the Electrical Roll Call System

When the Convention is ready to vote upon any question requiring a recorded roll call, and the vote is to be taken by the electrical roll call system, the presiding officer shall announce: "The question is on the passage of (designating the matter to be voted upon). All in favor of such question shall vote 'aye', all opposed shall vote 'nay'. The Convention will now proceed to vote."

After affording the Delegates sufficient time in which to vote, the presiding officer shall announce "Has every Delegate voted?" then, "Does any Delegate wish to change his vote?" and after a short pause he shall then say "The vote is now closed and the clerk shall proceed to record the vote."

The clerk shall immediately start the vote recording equipment, and when completely recorded, the President shall announce the result. The Secretary shall enter upon the Journal the result in the manner provided by the Rules of the Convention.

No Delegate may cast the vote of another Delegate in any session of the Convention, Committee of the Whole or Committee meeting, nor shall any person not a Delegate cast a vote for any Delegate. Any Delegate who votes or attempts to vote for another Delegate may be punished in such manner as the Convention determines. If a person not a Delegate votes or attempts to vote for any Delegate, he shall be barred from the floor of the Convention for the remainder of the session and may be further punished in such manner as the Convention determines proper. Proxy voting is not permitted.

At no time shall the voting machine show a running tally of the votes being cast by Delegates, and the colored lights next to the Delegates names shall be used at all times.

Rule 78 - "Present" Votes

Votes cast as "present" shall be recorded in the Journal as "present," but such votes shall not be counted in determining the required number of votes on those measures or questions needing the affirmative vote of those "present and voting."

Rule 79 - Convention Schedule

The Convention shall have a schedule, which shall be prepared by the President, with the advice of the Committees on Rules and Administration and submitted to the Convention for its approval. Said schedule shall be attached to these rules as an appendix.

Rule 80 - Pairing

Two delegates may pair on a proposal before the Convention under Orders of Business No. 5 and No. 6. Pairing is permitted only when one of the paired delegates is absent when the vote is taken.

An agreement to pair must be in writing and dated and signed by the delegates agreeing to be bound, must specify the duration of the pair, and must be filed with the Secretary. The pair shall bind the delegates signing until the expiration of time for which it was signed, unless the paired delegates sooner appear and ask that the agreement be cancelled.

COMMITTEES
Procedural Committees

Administrative
John H. Toole
Chairman, ex officio
Dorothy Eck
Vice Chairman, ex officio
Jean Bowman
Secretary, ex officio
Mike McKeon
Noel D. Furlong
Robert B. Noble
Rod Hanson
Clark E. Simon
Sterling Rygg
Louise Cross
Secretary - Bartley Carson

Rules and Resolutions
Marshall Murray
Chairman
Leslie "Joe" Eskildsen
Vice Chairman
Grace Bates
Miles Romney
Marian S. Erdmann
Thomas M. Ask
Thomas F. Joyce
Secretary - Alice Berner

Style, Drafting, Transition and Submission
John M. Schiltz
Chairman
William A. Burkhardt
Vice Chairman
David L. Holland
Virginia H. Blend
Chet Blaylock
Richard B. Roeder
Lucile Speer
J.C. Garlington
Jerome T. Loendorf
Ben E. Berg, Jr.
Robert Lee Kelleher
Secretary - Betty Nelson
Counsel - Diana Dowling and Sandra Muckelston
Consultant - Prof. Gardner Cromwell

Public Information
John H. Toole
1st Chairman replaced by
Margaret S. Warden
who was Vice Chairman
Fred J. Martin
became Vice Chairman
Bruce M. Brown, ex officio
M. Lynn Sparks
Robert Vermillion
Richard J. Champoux (Rick)
Catherine Pemberton
Robert F. Woodsmansey
Carl M. Davis
Katie Payne
Daphne Bugbee
Betty Babcock

Substantive Committees

Bill of Rights
Wade J. Dahood
Chairman
Chet Blaylock
Vice Chairman
George H. James
Lyle R. Munroe
Rachell K. Mansfield
Veronica Sullivan
Marshall Murray
R.S. "Bob" Hanson
Bob Campbell
Donald R. Foster
Dorothy Eck
Research Analyst
Rick Applegate
Secretary - Darlene Corbin

Executive
Thomas F. Joyce
Chairman
J.C. Garlington
Vice Chairman
Richard B. Roeder
Harold Arbanas
Margaret S. Warden
Archie O. Wilson
Betty Babcock
Fred J. Martin
James R. Felt
Research Analyst -
Karen Beck
Secretary - Barbara Lester

Legislative
Magnus Aashiem
Chairman
Jerome T. Loendorf
Vice Chairman
Carman Skari
Daphne Bugbee
Miles Romney
Jerome J. Cate
George Harper
Mae Nan Robinson
Richard A. Nutting
Torrey B. Johnson
Arlyne E. Reichert
Robert Lee Kelleher
Grace Bates
John H. Leuthold
Research Analyst -
Rich Bechtel
Secretary - Judy Pratt

Judiciary
David L. Holland
Chairman
Catherine Pemberton
Vice Chairman
J. Mason Melvin
Leslie "Joe" Eskildsen
Rod Hanson
Cedor B. Aronow
John M. Schiltz
Jean M. Bowman
Ben E. Berg, Jr.
Research Analyst -
Sandra Muckelston
Secretary - Ellen McCarthy

Local Government
Oscar L. Anderson
Chairman
Virginia H. Blend
Vice Chairman
Franklin Arness
George W. Rollins
M. Lynn Sparks
Katie Payne
Thomas M. Ask
Marian S. Erdmann
Lucile Speer
Arnold W. Jacobsen
Clark E. Simon
Research Analyst -
Jerry Holloron
Secretary - Pat Romine

Natural Resources and Agriculture
Louise Cross
Chairman
E.S. "Erv" Gysler
Vice Chairman
Geoffrey L. Brazier
Henry L. Siderius
John H. Anderson, Jr.
A.W. Kamhoot
Douglas Delaney
Charles B. McNeil
Donald Rebal
Research Analyst -
Chuck Sullivan
Secretary - Elaine Rung

Revenue and Finance
Sterling Rygg
Chairman
Maurice Driscoll
Vice Chairman
Mike McKeon
William "Bill" Artz
Russell C. McDonough
Roger A. Wagner
Dave Drum
E.M. Berthelson
Noel D. Furlong
Research Analyst -
Roger Barber
Secretary - Karen Holliday

Education and Public Lands
Richard J. (Rick) Champoux
Chairman
Robert B. Noble
Vice Chairman
Carl M. Davis
Marjorie Cain
Max Conover
Gene Harbaugh
Lloyd Barnard
Dan W. Harrington
Robert F. Woodmansey
William A. Burkhardt
John H. Toole
Research Analyst -
Bruce Sievers
Secretary - Sally Watson

Public Health, Welfare, Labor and Industry
George B. Heliker
Chairman
Jack K. Ward
Vice Chairman
Joseph H. McCarvel
Edith Van Buskirk
William H. Swanberg
Don Scanlin
Charles H. Mahoney
R.J. Studer
Research Analyst -
Dick Spall
Secretary - Sylvia Kinsey

General Government and Constitutional Amendment
Mark Etchart
Chairman
Paul K. Harlow
Vice Chairman
Robert Vermillion
Peter "Pete" Lorello
Don E. Belcher
Lyman W. Choate
Bruce M. Brown
Otto M. Habedank
Research Analyst -
Janet Grady
Secretary - Bobbie Murphy

ALPHABETICAL LIST OF COMMITTEE ASSIGNMENTS

Aasheim, Magnus	Legislative, Chairman
Anderson, John H., Jr.	Natural Resources and Agriculture
Anderson, Oscar L.	Local Government, Chairman
Arbanas, Harold	Executive
Arness, Franklin	Local Government
Aronow, Cedor B.	Judiciary
Artz, William H. (Bill)	Revenue and Finance
Ask, Thomas	Local Government Rules and Resolutions
Babcock, Betty	Executive Public Information
Barnard, Lloyd	Education and Public Lands
Bates, Grace C.	Legislative Rules and Resolutions
Belcher, Don E.	General Government and Constitutional Amendment
Berg, Ben E., Jr.	Judiciary Style, Drafting and Transition
Berthelson, E.M.	Revenue and Finance
Blaylock, Chet	Bill of Rights, Vice Chairman Style, Drafting and Transition
Blend, Virginia H.	Local Government, Vice Chairman Style, Drafting and Transition
Bowman, Jean M.	Convention Secretary Administrative, ex officio Judiciary
Brazier, Geoffrey L.	Natural Resources and Agriculture
Brown, Bruce M.	Eastern District Vice President Public Information, ex officio General Government and Constitutional Amendment
Bugbee, Daphne	Legislative Public Information

Burkhardt, William A.	Education and Public Lands Style, Drafting and Transition, Vice Chairman
Cain, Marjorie	Education and Public Lands
Campbell, Bob	Bill of Rights
Cate, Jerome J.	Legislative
Champoux, Richard J. (Rick)	Education and Public Lands, Chairman Public Information
Choate, Lyman W.	General Government and Constitutional Amendment
Conover, Max	Education and Public Lands
Cross, C. Louise	Natural Resources and Agriculture, Chairman Administrative
Dahood, Wade J.	Bill of Rights, Chairman
Davis, Carl M.	Education and Public Lands Public Information
Delaney, Douglas	Natural Resources and Agriculture
Driscoll, Maurice	Revenue and Finance, Vice Chairman
Drum, Dave	Revenue and Finance
Eck, Dorothy	Western District Vice President Bill of Rights Administrative, Vice Chairman, ex officio
Erdmann, Marian S.	Local Government Rules and Resolutions
Eskildsen, Leslie (Joe)	Judiciary Rules and Resolutions, Vice Chairman
Etchart, Mark	General Government and Constitutional Amendment, Chairman
Felt, James R.	Executive
Foster, Donald R.	Bill of Rights
Furlong, Noel D.	Revenue and Finance Administrative
Garlington, J.C.	Executive, Vice Chairman Style, Drafting and Transition
Graybill, Leo, Jr.	President of Convention All committees - ex officio

Gysler, E.S. (Erv)	Natural Resources and Agriculture Vice Chairman
Habedank, Otto T.	General Government and Constitutional Amendment
Hanson, R.S. (Bob)	Bill of Rights
Hanson, Rod	Judiciary Administrative
Harbaugh, Gene	Education and Public Lands
Harlow, Paul K.	General Government and Constitutional Amendment, Vice Chairman
Harper, George	Legislative
Harrington, Daniel W.	Education and Public Lands
Heliker, George B.	Public Health, Welfare and Labor, Chairman
Holland, David L.	Judiciary, Chairman Style, Drafting and Transition
Jacobsen, Arnold W.	Local Government
James, George H.	Bill of Rights
Johnson, Torrey B.	Legislative
Joyce, Thomas F.	Executive, Chairman Rules and Resolutions
Kamhoot, A.W.	Natural Resources and Agriculture
Kelleher, Robert Lee	Legislative Style, Drafting and Transition
Leuthold, John H.	Legislative
Loendorf, Jerome T.	Legislative, Vice Chairman Style, Drafting and Transition
Lorello, Peter (Pete)	General Government and Constitutional Amendment
Mahoney, Charles H.	Public Health, Welfare and Labor
Mansfield, Rachell K.	Bill of Rights
Martin, Fred J.	Executive Public Information, Vice Chairman
McCarvel, Joseph H.	Public Health, Welfare and Labor
McDonough, Russell C.	Revenue and Finance

McKeon, Mike	Revenue and Finance Administrative
McNeil, Charles B.	Natural Resources and Agriculture
Melvin, J. Mason	Judiciary
Monroe, Lyle R.	Bill of Rights
Murray, Marshall	Bill of Rights Rules and Resolutions, Chairman
Noble, Robert B. (Bob)	Education and Public Lands, Vice Chairman Administrative
Nutting, Richard A.	Legislative
Payne, Katie	Local Government Public Information
Pemberton, Catherine	Judiciary, Vice Chairman Public Information
Rebal, Donald	Natural Resources and Agriculture
Reichert, Arlyne	Legislative
Robinson, Mae Nan	Legislative
Roeder, Richard B.	Executive Style, Drafting and Transition
Rollins, George W.	Local Government
Romney, Miles	Legislative Rules and Resolutions
Rygg, Sterling	Revenue and Finance, Chairman Administrative
Scanlin, Don	Public Health, Welfare and Labor
Schiltz, John M.	Judiciary Style, Drafting and Transition, Chairman
Siderius, Henry L.	Natural Resources and Agriculture
Simon, Clark E.	Local Government Administrative
Skari, Carman (Mr.)	Legislative
Sparks, M. Lynn	Local Government Public Information
Speer, Lucile	Local Government Style, Drafting and Transition

Studer, R.J.	Public Health, Welfare and Labor
Sullivan, Veronica	Bill of Rights
Swanberg, William H.	Public Health, Welfare and Labor
Toole, John H.	First Vice President Chairman, ex officio Administrative, Public Information
Van Buskirk, Edith	Public Health, Welfare and Labor
Vermillion, Robert	General Government and Constitutional Amendment Public Information
Wagner, Roger	Revenue and Finance
Ward, Jack K.	Public Health Welfare and Labor, Vice Chairman
Warden, Margaret S.	Executive Public Information, Chairman
Wilson, Archie O.	Executive
Woodmansey, Robert F.	Education and Public Lands Public Information

CONVENTION OFFICERS

President

LEO GRAYBILL, JR.

First Vice President

JOHN H. TOOLE

Eastern District Vice President

BRUCE M. BROWN

Western District Vice President

DOROTHY ECK

Secretary

JEAN M. BOWMAN

Leo Graybill
President

John H. Toole
First Vice President

Bruce M. Brown
Eastern

Dorothy Eck
Western

CONVENTION EXECUTIVE STAFF

Executive Director

DALE HARRIS

Chief Clerk

JOHN HANSON

Committee Coordinator

MAX BAUCUS

Public Information Director

ELIZABETH N. HARRISON

Magnus Aasheim

Antelope, Sheridan County, District 4, Democrat.

Born September 21, 1909 in Reserve; educated at Western Montana College, Montana University; farmer-rancher; State Representative, 1960-67; wife's name is Velma; they have two children

John H. Anderson, Jr.

Alder, Madison County, District 21, Republican

Born July 9, 1916 in Dillon; attended Virginia City High School, Montana State College; rancher; Montana House of Representatives; wife's name is Estella; they have four children.

Oscar L. Anderson

Sidney, Richland County, District 3, Independent

Born January 6, 1911 in Sidney; attended Sidney High School, Northwestern School of Commerce, Portland, Oregon; bank president; Sidney City Council; Sidney Mayor; Sidney Finance Officer; Community Memorial Hospital Association Board of Trustees—Sidney; Executive Board Montana Bankers Association; Airport Commission; Farmers Home Administration State Advisory Committee; Governor's Committee on Economic Studies; Montana Rural Areas Development Committee; Executive Board Montana Municipal League; Montana League of Cities and Towns, President; wife's name is Helen; they have three children.

Harold Arbanas

Great Falls, Cascade County, District 13, Democrat

Born September 20, 1924 in Yakima, Washington; arrived in Montana in 1940; educated at Great Falls Public High School, St. Edward's Theological College, Seattle University; director of education; unmarried.

Franklin Arness

Libby, Lincoln County, District 23, Democrat

Educated at Libby High School, University of Montana; attorney; County Attorney; City Attorney; he has two children.

Cedor B. Aronow

Shelby, Toole County, District 15, Democrat

Born September 2, 1910 in Odessa, Russia; arrived in Montana in 1912; educated at University of Washington; attorney; Toole County Attorney; Democratic National Convention Delegate, 1956; Montana State Legislature, 1949-53; President, Young Democrats of Montana; wife's name is Jane; they have three children.

William H. Artz

Great Falls, Cascade County, District 13, Democrat

Born March 3, 1918 in Hamblin; educated at Wolf Point High School, University of Montana; certified public accountant; Treasurer of Cascade County Democratic Central Committee; wife's name is Mary Kay; they have three children.

Thomas M. Ask

Roundup, Musselshell County, District 9, Republican

Born July 19, 1925 in Forsyth; attended University of Montana; lawyer; City Attorney; County Attorney; wife's name is Margaret; they have four children

Betty Babcock

Helena, Lewis and Clark County, District 12, Republican

Born March 11, 1922 in Applington, Iowa; arrived in Montana in 1926; educated at Dawson County High School, Dawson County Junior College; vice pesident of the Colonial Inn; Director of Helena Chamber of Commerce; husband's name is Tim Babcock; they have two children

Lloyd Barnard

Saco, Valley County, District 5, Democrat

Born October 29, 1904 in Meadows of Dan, Virginia; arrived in Montana in April, 1910; educated at La Salle Extension University; farmer-rancher; State Representative, 1945-61; wife's name is Ethel Alice; they have four children.

Grace C. Bates

Manhattan, Gallatin County, District 11, Democrat

Born April 26, 1917 in Amsterdam; attended local schools; farmer's wife, public servant; State Advisory Council of Comprehensive Health Planning; husband's name is Avery; they have three children

Don E. Belcher

Roundup, Musselshell County, District 9, Democrat

Born June 17, 1919 in Lavina; attended Lavina High School; insurance agent; wife's name is Clare; they have three children.

Ben E. Berg, Jr.

Bozeman, Gallatin County, District 11, Republican

Born December 17, 1916 in Columbus; attended University of Montana; lawyer; City Attorney; Park County Representative; wife's name is Joan; they have four children

Earl M. Berthelson

Conrad, Pondera County, District 15, Republican

Born January 26, 1910 in San Jose, New Mexico; arrived in Montana in 1930; attended Shelley High School, Shelly, Idaho; University of Idaho at Pocatello; banker and rancher, wife's name is Mabel; they have seven children

Chet Blaylock

Laurel, Yellowstone County, District 8, Democrat

Born November 13, 1924 in Joliet; educated at Eastern Montana College, University of Montana; teacher; Montana Democratic Party State Chaiman; wife's name is Mildred; they have five children.

Virginia Hogan Blend

Great Falls, Cascade County, District 13, Democrat

Born February 11, 1914 in Great Falls; attended elementary and high school in Great Falls, University of Texas, University of Kansas, University of Denver, College of Great Falls; reprographer; husband's name is Carroll; they have one child.

Jean M. Bowman

Billings, Yellowstone County, District 8, Republican

Born April 3, 1938 in Albuquerque, New Mexico; arrived in Montana in July, 1960; attended University of New Mexico, University of Pennsylvania; housewife; husband's name is Dr. Warren D. Bowman; they have four children.

Geoffrey L. Brazier

Helena, Lewis and Clark County, District 12, Democrat

Born November 8, 1929 in Helena; attended Helena High School, Montana School of Mines, University of Montana; attorney; Deputy County Attorney; wife's name is Marie; they have three children.

Bruce M. Brown

Miles City, Custer County, District 2, Independent

Born February 25, 1922 in Miles City; educated at University of Montana; lawyer; City Attorney; County Attorney; wife's name is Margaret; they have five children.

Daphne Bugbee

Missoula, Missoula County, District 18, Democrat

Born July 21, 1921 in Pensacola, Florida; arrived in Montana in 1958; educated at The Bishop's School, LaJolla, California; Bennington College, Bennington, Vermont; Harvard University, Cambridge, Massachusetts; architect; Missoula Community Improvement Commission; Missoula Area Arts Council Board of Directors; Missoula County High School Advisory Committee; Montana Conservation Coordinating Council Steering Committee; Environmental Health Subcommittee of the Montana Comprehensive Health Planning Commission; Governor's Appointee to the State Advisory Council for Title I of the Higher Education Act of 1965; husband's name is Henry; they have three children

William A. Burkhardt

Helena, Lewis and Clark County, District 12, Republican

Born January 3, 1931 in Liberty, Missouri; arrived in Montana in June, 1957; educated at William Jewell College, Yale University, William Allanson White Institute of Psychiatry; minister; wife's name is Kathleen; they have three children.

Marjorie Cain

Libby, Lincoln County, District 23, Democrat

Born April 11, 1915 in Miles City; educated at Custer County High School; Mills College, Oakland, California; San Jose State College; University of California at Berkeley; California School of Arts & Crafts; Washington State College, State Teacher's College, Ellensburg, Washington; University of Montana; Stanford University; teacher; City Council; Chairman, Democratic Women's Club; President's Council on Status of Women; husband's name is Roy; they have one child.

Robert J. Campbell

Missoula, Missoula County, District 18, Democrat

Born December 12, 1940 in Sidney; attended Red Lodge High School, Sidney High School, University of Montana; attorney; wife's name is Mary Ann; they have two children.

Jerome J. Cate

Billings, Yellowstone County, District 8, Democrat

Born September 19, 1939 in Baker; attended Carroll College, Georgetown University, University of Montana; attorney; wife's name is Mary; they have two children.

Richard James (Rick) Champoux

Kalispell, Flathead County, District 16, Democrat

Born December 13, 1930 in Arlington, Massachusetts; arrived in Montana in 1954; educated at University of Montana, UCLA, University of Guadalajara; professor; wife's name is Marilyn; they have two children

Lyman W. Choate

Miles City, Custer County, District 2, Republican

Born December 3, 1912 in Manhattan; educated at Gallatin County High School; Civil Aeronautics Administration, Aeronautical Inspector School, Washington, D.C.; commercial flying; City Council; wife's name is Lorraine; they have five children.

Max Conover

Broadview, Yellowstone County, District 8, Democrat

Born November 2, 1912 in Colfax, Washington; arrived in Montana in 1916; educated at Broadview High School; farmer-rancher; President of Montana Seed Growers; wife's name is Vera; they have three children.

C. Louise Cross

Glendive, Dawson County, District 3, Democrat

Born October 26, 1919 in Columbus; educated at University of Montana, Bread Loaf School of English; homemaker, former teacher; President of Dawson County Democratic Women, 1966-70; husband's name is John M Cross; they have six children.

Wade Joseph Dahood

Anaconda, Deer Lodge County, District 19, Republican

Born December 31, 1927 in Brooklyn, New York; arrived in Montana in 1928; educated at Anaconda High School, University of Montana; attorney; wife's name is Grace; they have four children.

Carl M. Davis

Dillon, Beaverhead County, District 21, Democrat

Born November 21, 1922 in Dillon; educated at Beaverhead County High School, Western Montana College, University of Montana; attorney; County Attorney, Beaverhead County; State Welfare Board; Supreme Court Commission on Practice; Governor's Crime Control Commission; City Police Commission; Executive Board, Western Montana College; wife's name is Martha; they have four children.

Douglas Delaney

Grass Range, Fergus County, District 10, Democrat

Born April 30, 1926 in Lewistown; attended high school in Petroleum County; rancher; School District Clerk; County Commissioner; Supervisor of Soil and Water Conservation District; wife's name is Oleta; they have four children.

Maurice Driscoll

Butte, Silver Bow County, District 20, Democrat

Born December 29, 1914 in Walkerville; educated at University of Montana, Montana Tech, University of Illinois, Columbia University, University of Colorado; Director of Vocational Education; wife's name is Margaret; they have ten children.

Dave Drum

Billings, Yellowstone County, District 8, Republican

Born March 7, 1923 in Rushville, Indiana; arrived in Montana in 1923; educated at University of Montana; business and agriculture; House of Representatives, 1967; wife's name is Dorothy; they have three children

Dorothy Eck

Bozeman, Gallatin County, District 11, Democrat

Born January 23, 1924 in Sequim, Washington; arrived in Montana in 1946; attended Montana State University; housewife, civic leader; husband's name is Hugo; they have two children

Marian S. Erdmann

Great Falls, Cascade County, District 13, Republican

Born January 16, 1912 in Devon; attended Shelby High School, University of Montana; housewife; Mayor; Alderman of Great Falls; widow of Charles E. Erdmann; she has three children

Leslie "Joe" Eskildsen

Malta, Phillips County, District 5, Democrat

Born March 23, 1922 in Malta; attended Malta High School; farmer; Montana State Legislature, 1957-65; wife's name is Virginia; they have one child.

Mark Etchart

Glasgow, Valley County, District 4, Republican

Born August 31, 1923 in Glasgow; educated at St. Thomas College, Carroll College, Montana State University, farmer-rancher; Montana House of Representatives, 1961-67; Montana Legislative Council, 1963; wife's name is Delores; they have four children

James R. Felt

Billings, Yellowstone County, District 8, Republican

Born November 9, 1920 in Glendive; attended Billings High School, University of Montana, New York University, lawyer; House of Representatives, 1955-60, 1965-68, President of the Yellowstone County Bar Association, 1957; wife's name is Mary; they have seven children

Donald R. Foster

Lewistown, Fergus County, District 10, Independent

Born April 18, 1937 in Gooding, Idaho; arrived in Montana in 1945; attended Stanford University; honey bee management; wife's name is Rosalie Ann; they have three children.

Noel D. Furlong

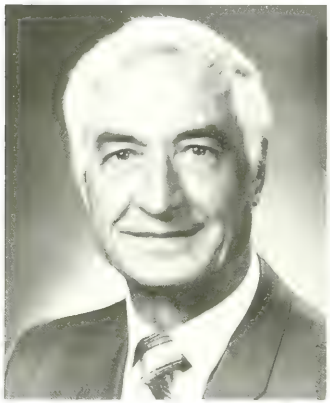
Kalispell, Flathead County, District 16, Democrat

Born February 14, 1927 in Chester; attended Chester High School, University of Montana; teacher; Western District MEA, 1st Vice President; MEA Board of Directors; NEA Constitutional Convention Delegate; wife's name is Louise; they have five children.

James C. Garlington

Missoula, Missoula County, District 18, Republican

Born March 24, 1908 in Missoula; attended Missoula High School, University of Montana; attorney; School Trustee; City Attorney; wife's name is Nancy; they have three children.



Leo Graybill, Jr.

Great Falls, Cascade County, District 13, Democrat

Born March 28, 1924 in Belt; attended Great Falls High School, Yale University, University of Montana Law School; attorney; Great Falls International Airport Commission Chairman; wife's name is Sherlee; they have three children

E.S. "Erv" Gysler

Fort Benton, Chouteau County, District 14, Republican

Born August 27, 1923 in Plentywood; attended Hinsdale High School, College of William and Mary, University of Florida, Montana State University; President of Gysler Manufacturing Company; wife's name is Lois; they have three children.

Otto T. Habedank

Sidney, Richland County, District 3, Republican

Born October 8, 1917 in Bowdoin; educated at Billings Polytechnic, LaSalle Extension University; lawyer; Member Montana Constitutional Revision Commission, 1969-70; wife's name is Arleen; they have four children

R.S. (Bob) Hanson

Polson, Lake County, District 17, Independent

Born December 22, 1912 in Polson; educated at Polson High School, Montana State College; retired; Mayor of Ronan; Montana Highway Safety Board; wife's name is Mercedes; they have one child.

Rod Hanson

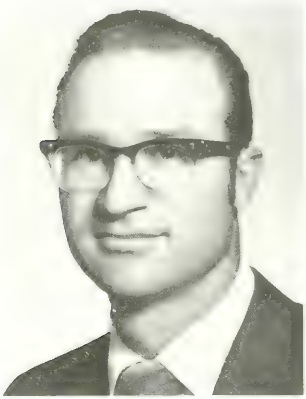
Fairfield, Teton County, District 15, Democrat

Born September 1, 1920 in Highwood; attended Highwood High School, Montana State University; manager of Sun River Electric Cooperative; Sidney Public School Board; Fairfield School Board; wife's name is Eunice; they have four children.

Gene Harbaugh

Poplar, Roosevelt County, District 4, Democrat

Born September 8, 1936 in Miles City; educated at Whitworth College, American University of Beirut, Dubuque Theological Seminary, LaSalle Extension University; minister; wife's name is Ellen May; they have four children



Paul K. Harlow

Thompson Falls, Sanders County, District 23, Democrat

Born August 25, 1904 in Okobojo, South Dakota; arrived in Montana in 1911; attended Stanford University; teacher and farmer; Legislative Representative; School Board; Chairman, Green Mountain Soil and Water Conservation District; wife's name is Margaret; they have two children.

George Harper

Helena, Lewis and Clark County, District 12, Independent

Born July 4, 1923 in Salem, Ohio; arrived in Montana in 1954; educated at Birmingham Southern College, Duke University, Northwestern University, Garrett School of Theology; clergyman; wife's name is Dorothy; they have five children

Daniel W. Harrington

Butte, Silver Bow County, District 20, Democrat

Born February 12, 1938 in Butte; attended Butte Central High School, Montana Tech, Western Montana College, teacher; Vice Chairman, Democratic Central Committee; wife's name is Patricia; they have one child

George B. Heliker

Missoula, Missoula County, District 18, Democrat

Born October 18, 1919 in West Bloomfield, Michigan; arrived in Montana in 1955; attended Walled Lake High School, Walled Lake, Michigan; University of Michigan; professor of economics; wife's name is Betty; they have two children.

David L. Holland

Butte, Silver Bow County, District 20, Democrat

Born June 27, 1924 in Butte; attended Butte High School, Montana Tech, College of Idaho, University of Montana Law School; attorney; Assistant Attorney General; City Attorney; Chief Deputy County Attorney; U.S. Commissioner; widower of Mary Lou Murphy; he has six children.

Arnold W. Jacobsen

Whitefish, Flathead County, District 16, Republican

Born July 4, 1913 in Dilly, Oregon; arrived in Montana in 1915; attended Butte Business College; merchant; wife's name is Lois; they have four children

George H. James

Libby, Lincoln County, District 23, Democrat

Born February 22, 1913 in Chicago, Illinois; arrived in Montana in 1952; attended Glenbard High School, Glen Ellyn, Illinois; Elmhurst College, Elmhurst, Illinois; University of Chicago, Chicago, Illinois; retired; Libby School Board; Lincoln County Library Board; wife's name is Roberta; they have two children.

Torrey B. Johnson

Busby, Big Horn County, District 1, Republican

Born December 6, 1916 in Ucross, Wyoming; arrived in Montana in 1917; educated at University of Montana, University of Chicago, livestock rancher; Clerk of School District; wife's name is Adrienne Marye; they have five children.

Thomas F. Joyce

Butte, Silver Bow County, District 20, Democrat

Born April 18, 1923 in Anaconda; attended Carroll College, University of Oregon, University of Montana Law School; attorney; Assistant Attorney General; Deputy County Attorney, Silver Bow County; Butte City Attorney; wife's name is Dorothy; they have twelve children

Arthur Walton Kamhoot

Forsyth, Rosebud County, District 6, Republican

Born April 25, 1912 in Custer County; semi-retired; Forsyth City Council; wife's name is Ethel Baringer; they have four children.

Robert Lee Kelleher

Billings, Yellowstone County, District 8, Democrat

Born March 30, 1923 in Oak Park, Illinois; arrived in Montana in 1952; educated at Carmel College, Catholic University; lawyer; wife's name is Geraldine; they have six children

John H. Leuthold

Molt, Stillwater County, District 7, Republican

Born May 26, 1907 in Chicago, Illinois; arrived in Montana in 1912; attended Columbus High School; rancher; Montana House of Representatives, 1951-67; wife's name is Grace; they have three children

Jerome T. Loendorf

Helena, Lewis and Clark County, District 12, Republican

Born June 5, 1939 in Wolf Point; attended Carroll College, University of Montana; attorney; County Attorney; unmarried.

Peter Lorello

Anaconda, Deer Lodge County, District 19, Democrat

Born March 12, 1929 in Anaconda; attended Anconda High School; bar-restaurant owner; wife's name is Joyce; they have seven children.

Charles H. Mahoney

Clancy, Jefferson County, District 12, Independent Republican

Born June 12, 1906 in St. Paul, Minnesota, arrived in Montana in 1907; attended local schools; retired rancher, Montana State Senate; Governor Ford's Reorganization and Economy Committee; Governor Aronson's Taxation and Education Committee; wife's name is Alta, they have one child.

Rachell K. Mansfield

Geyser, Chouteau County, District 14, Democrat

Born August 18, 1916 in Great Falls; attended Geraldine High School, College of Great Falls, University of Montana; teacher; State President of Congress of Parents and Teachers, 1966-68; husband's name is James P. Mansfield, Jr.; they have four children.

Fred J. Martin

Livingston, Park County, District 11, Republican

Born January 30, 1904 in Butte; educated at Butte High School, University of Montana; editor of Livingston Enterprise and Park County News; wife's name is Dorothy; they have two children.

Joseph H. McCarvel

Anaconda, Deer Lodge County, District 19, Democrat

Born December 19, 1913 in Anaconda; educated at Anaconda High School, Carroll College, Montana State College, College of Great Falls; locomotive engineer and home bakery owner; Anaconda School Board; wife's name is Ruth; they have eight children

Russell C. McDonough

Glendive, Dawson County, District 3, Democrat

Born December 7, 1924 in Glendive; educated at Dawson College, Montana State University, George Washington University; lawyer; City Attorney; County Attorney; Chairman of City-County Planning Board; wife's name is Dora Jean; they have six children.

Mike McKeon

Anaconda, Deerl Lodge County, District 19, Democrat

Born June 17, 1946 in Anaconda; educated at University of Notre Dame, University of Montana Law School; attorney; unmarried.

Charles B.(C.B.) McNeil

Polson, Lake County, District 17, Republican

Born February 17, 1937 in Anaconda; educated at Anaconda High School, University of Alaska, University of Montana Law School; attorney and engineer; wife's name is JoAnn; they have two children

J. Mason Melvin

Bozeman, Gallatin County, District 11, Democrat

Born June 10, 1914 in Portal, North Dakota; arrived in Montana in 1915; educated at University of Montana; FBI National Academy; retired special agent, FBI; Sheriff of Valley County; wife's name is Olive; they have two children.

Lyle R. Monroe, II

Great Falls, Cascade County, District 13, Democrat

Born November 7, 1945 in Great Falls; educated at Great Falls Central High School, Assumption College, Richardton, N.D.; College of Great Falls; social service; wife's name is Laura Jean; they have one child.

Marshall Murray

Kalispell, Flathead County, District 16, Republican

Born August 29, 1932 in Eureka; attended Flathead High School, University of Montana, University of Montana Law School; attorney; Montana Legislature, 1961, 1963; Kalispell City Attorney; wife's name is Joan; they have three children.

Robert B. Noble

Great Falls, Cascade County, District 13, Republican

Born March 31, 1907 in Great Falls; educated at Great Falls Public Schools, Montana State College, merchant; School Board, 1944-65; wife's name is Madella; they have five children.

Richard A. Nutting

Silesia, Carbon County, District 7, Republican

Born January 12, 1922 in Red Lodge; educated at Billings Senior High School, University of Montana; farmer-rancher; former legislator; wife's name is Jeanne; they have three children

Katie Payne

Missoula, Missoula County, District 18, Republican

Born June 6, 1922 in Elizabethton, Tennessee; arrived in Montana in 1951; attended Elizabethton High School; Tennessee Wesleyan College, Athens, Tennessee; Vanderbilt University, Nashville, Tennessee; housewife; Governor's Committee on Mental Health; State Hospital Medical and Related Facilities Advisory Council; Zoning Committee Chairman; City Council; husband's name is Thomas; they have two children

Catherine Howell Pemberton

Broadus, Powder River County, District 1, Republican

Born May 7, 1909 in Worland, Wyoming; arrived in Montana in 1930; attended University of Wyoming; wife of cattle rancher; independent news writer; Republican State Committeewoman, 1949-69; husband's name is Lawrence; they have two children.

Donald Rebal

Great Falls, Cascade County, District 13, Democrat

Born May 19, 1921 in Hilger; attended Great Falls High School, University of Montana; automobile dealer; wife's name is Virginia; they have three children.

Arlyne E. Reichert

Great Falls, Cascade County District 13, Democrat

Born January 14, 1926 in Buffalo, New York; arrived in Montana in 1945; attended University of Buffalo, New York; McLaughlin Research Institute; research assistant and television reporter; Great Falls Public Library Board of Trustees; Montana Hospital and Long-Term Care Facility Advisory Council; widow; she has five children.

Mae Nan Robinson

Missoula, Missoula County, District 18, Republican

Born June 1, 1947 in Mineral Wells, Texas; arrived in Montana in 1967; attended University of Montana; graduate student; widow.

Richard B. Roeder

Bozeman, Gallatin County, District 11, Democrat

Born August 23, 1930 in Schuylkill Haven, Pennsylvania; arrived in Montana in 1957; educated at Swarthmore College, University of Pennsylvania; professor of history at Montana State University; wife's name is Janet; they have three children

George W. Rollins

Billings, Yellowstone County, District 8, Democrat

Born June 2, 1916 in Cumberland, Wyoming; arrived in Montana in 1953; educated at University of Wyoming, Omaha University, University of Utah; history professor at Eastern Montana College; Board of Billings Public Library; wife's name is Beverly Ruth; they have eight children

Miles Romney

Hamilton, Ravalli County, District 22, Democrat

Born December 6, 1900 in Hamilton; educated at Hamilton High School, U.S. Military Academy, George Washington University, University of Montana; newspaper publisher; wife's name is Ruth; they have no children.

M. Sterling Rygg

Kalispell, Flathead County, District 16, Republican

Born December 26, 1914 in Warren, Minnesota; arrived in Montana in 1940; attended Fairdale High School, Fairdale, N.D.; Concordia College, Moorhead, Minnesota; automobile dealer; State Representative, Montana Legislature, 1960-68; wife's name is Inga; they have three children.

Donald A. Scanlin

Billings, Yellowstone County, District 8, Democrat

Born August 4, 1914 in Bangor, Maine; arrived in Montana in 1949; educated at University of Maine, Rocky Mountain College; instructor of adult basic education; wife's name is Millicent; they have four children.

John M. Schiltz

Billings, Yellowstone County, District 8, Democrat

Born May 29, 1919 in Kremlin; attended University of Montana; lawyer; Montana Legislature, 1951, 1953; wife's name is Edna; they have four children.

Henry L. Siderius

Kalispell, Flathead County, District 16, Democrat

Born September 30, 1910 in Kalispell; educated at Demersville School; farmer; Demersville School Board, Bonneville Power Advisory Board; wife's name is Josephine; they have four children

Clark E. Simon

Billings, Yellowstone County, District 8, Republican

Born July 1, 1903 in Jamaica, Iowa; arrived in Montana in 1904; educated at correspondence school in accounting and corporation structure; merchant investments, ranching; Montana Board of Pardons; wife's name is Muriel; they have two children.

Carman Skari

Chester, Liberty County, District 14, Democrat

Born June 14, 1932 in Petersberg, North Dakota; arrived in Montana in 1947; attended Chester High School, Northern Montana College, University of Montana; farmer-rancher, Liberty County Arts Council; P.T.A. President; Soil Conservation District Supervisor; wife's name is Mora; they have two children.

M. Lynn Sparks

Butte, Silver Bow County, District 20, Democrat

Born December 19, 1942 in Butte; attended Butte Public High School, University of Montana; public relations; unmarried

Lucile Speer

Missoula, Missoula County, District 18, Democrat

Born January 7, 1899 in Branch County, Michigan; arrived in Montana in 1919; attended University of Montana, University of Chicago; retired; unmarried.

R.J. Studer

Billings, Yellowstone County, District 8, Republican

Born March 22, 1903 in Iowa; arrived in Montana in 1939; educated at University of Minnesota; contractor, highway and utility construction; wife's name is Cecilia Ann; they have four children.

Veronica Sullivan

Butte, Silver Bow County, District 20, Democrat

Born November 18, 1911 in Butte; educated at St. Mary's Girls' Central High, Butte Business College; housewife; husband's name is John; they have no children.

William H. Swanberg

Great Falls, Cascade County, District 13, Democrat

Born August 29, 1916 in Great Falls; attended Great Falls High School, University of Montana; attorney; Alderman, Mayor of Great Falls; wife's name is Marie Louise; they have seven children.

John H. Toole

Missoula, Missoula County, District 18, Republican

Born June 1, 1918 in Missoula; educated at University of Montana; former owner of Toole & Easter Co.; House of Representatives, 1953-54; Montana Crime Commission; Columbia River Compact Commission; City-County Planning Board; City Park Board; wife's name is Barbara; they have two children.

Edith Van Buskirk

Havre, Hill County, District 14, Democrat

Born October 25, 1919 in Havre; educated at Havre Public High School, Northern Montana College; housewife; husband's name is Warren; they have five children

Robert James Vermillion

Shelby, Toole County, District 15, Democrat

Born March 23, 1939 in Wallace, Idaho; arrived in Montana in 1962; attended Wallace High School, University of Idaho; radio announcer; wife's name is Jeanne Naoma; they have one child.

Roger A. Wagner

Nashua, Valley County, District 4, Democrat

Born May 12, 1942 in St. Joseph, Minnesota; arrived in Montana in 1942; attended St. John's University; farmer-rancher; unmarried.

Jack K. Ward

Hamilton, Ravalli County, District 22, Republican

Born March 22, 1932 in Hysham; educated at Hysham High School, Montana State University, Washington State University; veterinarian; wife's name is Della; they have four children.

Margaret S. Warden

Great Falls, Cascade County, District 13, Democrat

Born July 18, 1917 in Glasgow; attended Great Falls High School, Great Falls Commercial College; housewife; Chairman of Great Falls Public Library Board of Trustees; husband's name is R.D. Warden; they have two children.

Archie O. Wilson

Hysham, Treasure County, District 6, Republican

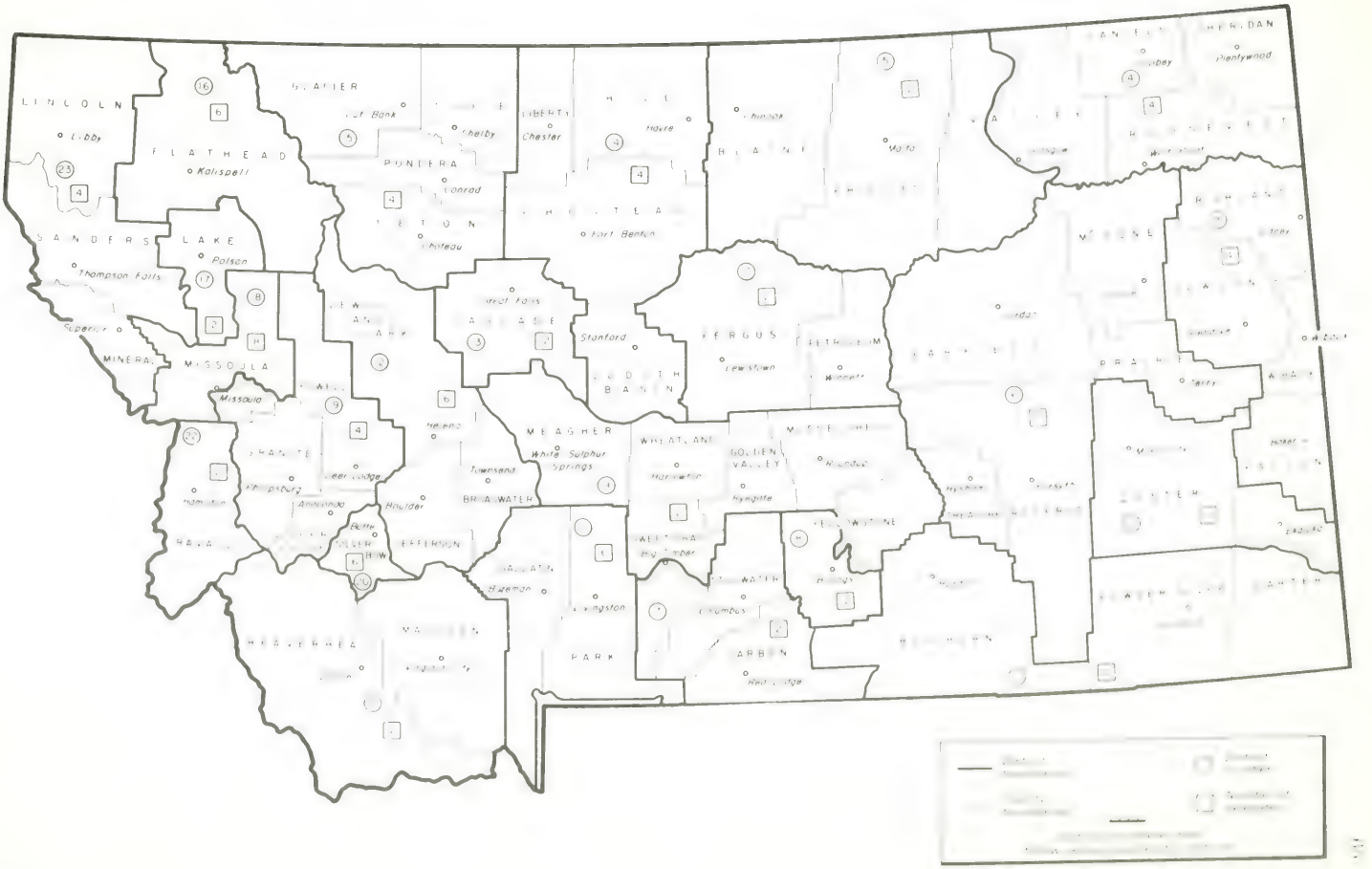
Born July 18, 1909 in Forsyth; attended local schools; rancher; Montana Livestock Commission; wife's name is Ruth; they have two children.

Robert F. Woodmansey

Great Falls, Cascade County, District 13, Republican

Born September 9, 1936 in Great Falls; attended Highwood High School, Montana State University; teacher; wife's name is Lois; they have three children.

—Constitutional Convention Delegate Districts—



CONVENTION DELEGATES BY DISTRICT

DISTRICT NO. 1, Counties of Big Horn, Powder River, and Carter less the Ekalaka census enumerator division

Torrey B. Johnson
Catherine Pemberton

DISTRICT NO. 2, County of Custer and the Ekalaka census enumerator division of Carter

Bruce M. Brown
Lyman W. Choate

DISTRICT NO. 3, Counties of Richland, Dawson, Wibaux, and Fallon

Oscar L. Anderson
C. Louise Cross
Otto T. Habedank
Russell C. McDonough

DISTRICT NO. 4, Counties of Sheridan, Roosevelt, Daniels, and Valley less the Fort Peck and Hinsdale census enumerator divisions

Magnus Aasheim
Mark Etchart
Gene Harbaugh
Roger A. Wagner

DISTRICT NO. 5, Counties of Blaine and Phillips and the Fort Peck and Hinsdale census enumerator divisions of Valley

Lloyd Barnard
Leslie "Joe" Eskildsen

DISTRICT NO. 6, Counties of Garfield, Rosebud, McCone, Prairie, and Treasure

A.W. Kamhoot
Archie O. Wilson

DISTRICT NO. 7, Counties of Stillwater and Carbon and south of the Yellowstone census enumerator division of Sweet Grass

John H. Leuthold
Richard A. Nutting

DISTRICT NO. 8, County of Yellowstone less the Buffalo Creek census enumerator division, the Shephard enumerator division, and the Huntley Project census enumerator division

Chet Blaylock
Jean M. Bowman
Jerome J. Cate
Max Conover
Dave Drum
James R. Felt
Robert Lee Kelleher
George W. Rollins
Don Scanlin
John M. Schiltz
Clark E. Simon
R.J. Studer

DISTRICT NO. 9, Counties of Meagher, Wheatland, Golden Valley, and Musselshell and north of the Yellowstone census enumerator division of Sweet Grass, the Buffalo Creek census enumerator division, the Huntley Project enumerator division, and the Shepherd census enumerator division of Yellowstone

Thomas M. Ask
Don E. Belcher

DISTRICT NO. 10, Counties of Fergus and Petroleum

Douglas Delaney
Donald R. Foster

DISTRICT NO. 11, Counties of Gallatin and Park

Grace C. Bates
Ben E. Berg, Jr.
Dorothy Eck
Fred J. Martin
J. Mason Melvin
Richard B. Roeder

DISTRICT NO. 12, Counties of Broadwater, Jefferson, and Lewis and Clark

Betty Babcock
Geoffrey L. Brazier
William A. Burkhardt
George Harper
Jerome T. Loendorf
Charles H. Mahoney

DISTRICT NO. 13, County of Cascade

Harold Arbanas
Wm. H. (Bill) Artz
Virginia H. Blend
Marian S. Erdmann
Leo Graybill, Jr.
Lyle R. Monroe
Robert B. (Bob) Noble
Donald Rebal
Arlyne E. Reichert
William H. Swanberg
Margaret S. Warden
Robert F. Woodmansey

DISTRICT NO. 14, Counties of Hill, Chouteau, Judith Basin, and Liberty

E.S. "Erv" Gysler
Rachell K. Mansfield
Carman Skari
Edith Van Buskirk

DISTRICT NO. 15, Counties of Glacier, Toole, Pondera, and Teton

Cedor B. Aronow
E.M. Berthelson
Rod Hanson
Robert Vermillion

DISTRICT NO. 16, County of Flathead

Richard J. (Rick) Champoux
Noel D. Furlong
Arnold W. Jacobsen
Marshall Murray
Sterling Rygg
Henry L. Siderius

DISTRICT NO. 17, County of Lake

R.S. "Bob"Hanson
Charles B. McNeil

DISTRICT NO. 18, County of Missoula less the Bonner-Clinton census enumerator division

Daphne Bugbee
Bob Campbell
J.C. Garlington
George B. Heliker
Katie Payne
Mae Nan Robinson
Lucile Speer
John H. Toole

DISTRICT NO. 19, Counties of Powell, Deer Lodge, and Granite and the Bonner-Clinton census enumerator division of Missoula

Wade J. Dahood
Peter "Pete" Lorello
Joseph H. McCarvel
Mike McKeon

DISTRICT NO. 20, County of Silver Bow

Maurice Driscoll
Dan W. Harrington
David L. Holland
Thomas F. Joyce
M. Lynn Sparks
Veronica Sullivan

DISTRICT NO. 21, Counties of Madison and Beaverhead

John H. Anderson, Jr.
Carl M. Davis

DISTRICT NO. 22, County of Ravalli

Miles Romney
Jack K. Ward

DISTRICT NO. 23, Counties of Mineral, Sanders, and Lincoln

Franklin Arness
Marjorie Cain
Paul K. Harlow
George H. James

CONVENTION STAFF

Name	Position
Acher, Rosemary	Journal Clerk
Applegate, Rick	Bill of Rights - Research Analyst
Barber, Roger	Revenue and Finance - Research Analyst
Baucus, Max	Committee Coordinator
Bechtel, Richard	Legislative - Research Analyst
Beck, Karen	Executive - Research Analyst
Brown, Al	Payroll Clerk
Berner, Alice	Floor Leaders and Rules Committee Secretary
Burr, Dennis	Revenue and Finance - Consultant
Carson, Bartley	Executive Director Secretary
Christiansen, Dee	MTST Typist
Corbin, Darlene	Bill of Rights Secretary
Cromwell, Gardner	Style and Drafting-Consultant
Dowling, Diana	Research Coordinator; Style and Drafting-Counsel
Durkee, Marie	Reporter
Fallon, Jean	Printing Clerk
Fontana, Juanita	Librarian
Geier, Jean	Typist-Stenographer
Grady, James	General Government and Constitutional Amendment Research Analyst
Hanson, John	Chief Clerk
Harris, Dale	Executive Director
Harrison, Elizabeth	Public Information Director
Hilger, Bev	Journal Typist
Holliday, Karen	Revenue and Finance Secretary
Holloron, Jerry	Local Government - Research Analyst
Jakovac, Betty	Chief Stenographer
Jones, Jane	MTST Typist
Kelly, Karen	Chief Clerk's Secretary
Kinsey, Sylvia	Public Health, Welfare and Labor Secretary
Kunnary, Mary	Typist-Stenographer
Lester, Barbara	Executive Committee Secretary
Loman, Ray	Sergeant at Arms
McCarthy, Ellen	Judiciary Secretary
McGuinn, Mel	First Vice President's Secretary
Moody, Roberta	President's Secretary
Muckelston, Sandra	Judiciary - Research Analyst; Style and Drafting-Counsel
Murphy, Bobbie	General Government and Constitutional Amendment Secretary
Nelson, Betty	Style and Drafting Secretary
Neyerhuis, Warren	Supply Clerk
Phillips, Sue	Public Information Typist
Pratt, Judith	Legislative Committee Secretary
Reid, Ellen	Typist-Stenographer
Romine, Pat	Local Government Secretary
Rung, Elaine	Natural Resources and Agriculture Secretary
Saeman, Janice	MTST Typist
Seeley, Eve	Assistant Stenographer
Sievers, Bruce	Education and Public Lands - Research Analyst
Spall, Richard	Public Health, Welfare and Labor - Research Analyst
Smith, Ed	Reading Clerk
Smith, Gail	MTST Typist

Sullivan, Charles	Natural Resources and Agriculture - Research Analyst
Sullivan, Louise	Typist-Stenographer
Tyanich, Pat	Public Information Secretary
Watson, Sally	Education and Public Lands Secretary
Wilson, Rosella	Assistant Journal Clerk
ZurMuehlen, Dorothy	District Vice Presidents' Secretary

INTERNS

Bowlds, Mark	Public Information
Buzzas, Robert J. (Bob)	Delegate Katie Payne
Callahan, Maureen	Public Information and Education and Public Lands
Chvatal, Pat	Local Government
Crawford, John F.	Executive
Darlington, Holly	Public Information
Earley, Mona J.	Natural Resources and Agriculture
Graham, Gary	President Leo Graybill
Gray, Randall	Revenue and Finance
Hauf, Kandice J.	Public Health, Welfare and Labor
Jackson, Kayle	Chief Clerk
Jersey, David	Natural Resources and Agriculture
Jersey, Lee Ann	Natural Resources and Agriculture
Johnson, Blake	Delegates Drum and Felt and Revenue and Finance
Jones, Steve	Legislative
Krueger, Kurt	Dale Harris and Max Baucus
Larum, Michael	Delegate Mansfield and Bill of Rights
Leary, Dodge	Judicial
Lien, Nancy	Public Information and Education and Public Lands
Mahoney, George	Delegate Heliker and Public Health, Welfare and Labor
Murphy, John	Delegate John Toole and Education and Public Lands
Paul, George	Bill of Rights
Perryman, Ray	Public Information
Rupp, Jeffrey K.	Education and Public Lands
Shannon, Edwin	Delegate Mike McKeon and Revenue and Finance
Skaggs, Robert (Bob)	General Government and Constitutional Amendment
Sullivan, Katherine	Public Information and Judiciary
Walchuk, Don	Dale Harris

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Memorandum Number 1: (Supplement) *Memorandum on Constitutional Convention Rules*
Memorandum Number 2: *Constitutional Amendments 1889-1971*
Memorandum Number 3: *A Collection of Readings on Recent Constitutional Revision Activities in the Fifty States 1967-1970*
Memorandum Number 4: *Sources of the Montana Constitution*
Memorandum Number 5: *Index to Proceedings and Debates of the 1889 Montana Constitutional Convention*
Memorandum Number 6: *The Constitutions of the Northwest States*
Memorandum Number 7: *Selected Bibliography*
Memorandum Number 8: *Memorandum on Convention Preparation Including Preparatory Research, Public Information Programs and Convention Arrangements*
Memorandum Number 9: *Selected Readings on the Organization of Constitutional Conventions*
Memorandum Number 10: *Legislative Reapportionment*

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Study Number 11: *Suffrage and Elections*
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Study Number 13: *The Executive*
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Report Number 6: *Natural Resources and Agriculture*
Report Number 7: *Revenue and Finance*
Report Number 8: *Bill of Rights*
Report Number 9: *Public Health, Welfare, Labor and Industry*
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DELEGATE PROPOSALS

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 1

DATE INTRODUCED: JAN. 20, 1972

Referred to Natural Resources and Agriculture Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION ESTABLISHING PUBLIC POLICY ON ENVIRONMENTAL QUALITY.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. ENVIRONMENTAL QUALITY. The public policy of the State of Montana and a matter of statewide concern is to develop and maintain a high quality environment in order to assure for the people of the state, now and in the future, clean air, pure water, freedom from excessive noise, and enjoyment of scenic, historic, natural, and aesthetic values.

The legislature shall provide by law for the implementation and enforcement of this public policy.

Each person has the right to a healthful environment and each person has the responsibility to contribute to the preservation and enhancement of the environment.

Each person may enforce the right to a healthful environment against any party, governmental or private, through appropriate legal proceedings subject to reasonable limitation and regulation as the legislature may provide."

INTRODUCED BY: /s/ Earl Berthelson

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 2

DATE INTRODUCED: JAN. 20, 1972

Referred to Natural Resources and Agriculture Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING FOR WATER RIGHTS.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. WATER. All of the water in this state, whether occurring on the surface or underground, and whether occurring naturally or artificially, belongs to the people of Montana; and those waters which are capable of substantial or significant public use may be used by the people with or without diversion or development works, regardless of whether the waters occur on public or private lands. The public has the right to the recreational use of such waters and their beds and banks to the high water mark regardless of whether the waters are navigable and regardless of whether the beds and banks are privately owned. Beneficial use of waters includes recreation and aesthetics, such as habitat for fish and wildlife and scenic waterways.

The use of all water now appropriated, or that may hereafter be appropriated for sale, rental, distribution, or other beneficial use, and the right of way over the lands of others, for all ditches, drains, flumes, canals, and aqueducts, necessarily used in connection therewith, as well as the sites for reservoirs necessary for collection and storing the same, shall be held to be a public use.

The legislature may provide either directly, or indirectly through administrative agencies, for the control and regulation of both existing and future rights to uses of water."

INTRODUCED BY: /s/ Earl Berthelson

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 3

DATE INTRODUCED: JAN. 20, 1972

Referred to Bill of Rights Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION TO PROHIBIT THE PENALTY OF DEATH FOR ANY CRIME.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. Death shall not be prescribed as a penalty for any crime."

INTRODUCED BY: /s/ Cate, Jerome J.

/s/ Bob Campbell

/s/ Arlyne Reichert

/s/ George W. Rollins

/s/ Mae Nan Robinson

/s/ Daphne Bugbee

DELEGATE PROPOSAL
No. 4 - Right to Bear Arms

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 4

DATE INTRODUCED: JAN. 20, 1972

Referred to Bill of Rights Committee

III, 13

A PROPOSAL AMENDING ARTICLE III, SECTION 13 OF THE CONSTITUTION OF THE STATE OF MONTANA TO PROVIDE THAT NO REGISTRATION, TRANSFER OR LICENSING REQUIREMENT, FEE OR TAX EVER BE IMPOSED UPON THE RIGHT TO BEAR ARMS.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. Article III, Section 13 of the present Constitution is amended to read as follows:

"Sec. 13. ~~The right of any person to keep or bear arms in defense of his own home, person, and property, or in aid of the civil power when thereto legally summoned, shall not be called in question, but nothing herein contained shall be held to permit the carrying of concealed weapons.~~

(1) The inalienable right of the individual citizen to keep and bear arms for the defense of himself, other persons, and the state shall not be infringed, but the military shall be kept in strict subordination to the civil power.

(2) The right to keep and bear arms shall include, but not be limited to, the right of the individual citizen to acquire, possess, own and use firearms, ammunition and its components for the lawful defense of himself, his home, his property, other persons, and the state, or in aid of the civil power when thereto legally summoned, for the training and practice necessary to achieve a level of competence appropriate thereto, and for marksmanship, recreation, hunting and other lawful purposes. No registration, transfer or licensing requirement; licensing, transfer or registration fee; or licensing, transfer or registration tax shall ever by imposed upon the right of the individual citizen to acquire, transfer, possess, own or use firearms, ammunition and its components, but nothing herein contained shall be

held to permit the carrying of concealed weapons."

INTRODUCED BY: /s/ Earl Berthelson

DELEGATE PROPOSAL
No. 5 - Local Government

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 5

DATE INTRODUCED: JAN. 20, 1972

Referred to Local Government Committee

XVI, 5

A PROPOSAL REPEALING ARTICLE XVI, SECTION 5 OF THE CONSTITUTION OF THE STATE OF MONTANA.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. Article XVI, Section 5 of the present Constitution, which reads as follows, is repealed:

~~"Sec. 5. There shall be elected in each county the following county officers who shall possess the qualifications for suffrage prescribed by section 2 of article IX of this constitution and such other qualifications as may be prescribed by law:~~

~~One county clerk who shall be clerk of the board of county commissioners and ex officio recorder; one sheriff; one treasurer, who shall be collector of the taxes, provided, that the county treasurer, shall not be eligible to his office for the succeeding term; one county superintendent of schools; one county surveyor; one assessor; one coroner; one public administrator. Persons elected to the different offices named in this section shall hold their respective offices for the term of four (4) years, and until their successors are elected and qualified. Vacancies in all county, township and precinct offices, except that of county commissioners, shall be filled by appointment by the board of county commissioners, and the appointee shall hold his office until the next general election; provided, however, that the board of county commissioners of any county may, in its discretion, consolidate any two or more of the within named offices and combine the powers and the duties of the said offices consolidated; however, the provisions hereof shall not be construed as allowing one (1) office incumbent to be entitled to the salaries and emoluments of two (2) or more offices; provided, further, that in consolidating county offices, the board of county commissioners shall, six (6) months prior to the general election held for the purpose of electing the aforesaid offices, make and enter an order, combining any two (2) or more of the~~

~~within-named-offices,-and-shall-cause-the-said-order-to--be--published-in-a-newspaper,-published-and-circulated-generally-in-said county,--for-a-period-of-six-(6)-weeks-next-following-the-date-of entry-of-said-order."~~

INTRODUCED BY: /s/ Mrs. Thomas "Katie" Payne

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 6

DATE INTRODUCED: JAN. 20, 1972

Referred to Local Government Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING FOR LOCAL CHARTERS.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. LOCAL CHARTERS. (1) Any county or city may adopt or amend a charter for its own government, subject to such regulations as are provided in this constitution and may be provided by general law. The legislature shall provide one or more optional procedures for nonpartisan election of five (5), seven (7) or nine (9) charter commissioners and for framing, publishing and adopting a charter or charter amendment.

(2) Upon resolution approved by a majority of the members of the legislative authority of the county or city or upon petition of ten (10) percent of the qualified voters, the officer or agency responsible for certifying public questions shall submit to the people at the next regular election not less than sixty (60) days thereafter, or at a special election if authorized by law, the question "Shall a commission be chosen to frame a charter or charter amendments for the county (or city) of _____?" An affirmative vote of a majority of the qualified voters voting on the question shall authorize the creation of the commission.

(3) A petition to have a charter commission may include the names of five (5), seven (7) or nine (9) commissioners, to be listed at the end of the question when it is voted on, so that an affirmative vote on the question is a vote to elect the persons named in the petition. Otherwise, the petition or resolution shall designate an optional election procedure provided by law.

(4) Any proposed charter or charter amendments shall be

published by the commission, distributed to the qualified voters and submitted to them at the next regular or special election not less than thirty days after publication. The procedure for publication and submission shall be as provided by law or by resolution of the charter commission not inconsistent with law. The legislative authority of the county or city shall, on request of the charter commission, appropriate money to provide for the reasonable expenses of the commission and for the publication, distribution and submission of its proposals.

(5) A charter or charter amendments shall become effective if approved by a majority vote of the qualified voters voting thereon. A charter may provide for direct submission of future charter revisions or amendments by petition or by resolution of the local legislative authority."

INTRODUCED BY: /s/ Mrs. Thomas "Katie" Payne

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 7

DATE INTRODUCED: JAN. 20, 1972

Referred to Judiciary Committee

III 8, 23; VIII

A PROPOSAL FOR A NEW JUDICIAL ARTICLE, AMENDING ARTICLE III, SECTIONS 8 AND 23, AND REPEALING ARTICLE VIII OF THE CONSTITUTION OF THE STATE OF MONTANA.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Article to provide as follows:

"ARTICLE ___

JUDICIAL DEPARTMENTS

Section 1. The Judicial power of the state shall be vested in the senate sitting as a court of impeachment, and in a Supreme Court and district courts which shall be courts of record.

SUPREME COURT

Section 2. The Supreme Court, except as otherwise provided in this constitution, shall have appellate jurisdiction, which shall be coextensive with the state, and shall have a general supervisory and administrative control over all inferior courts.

Section 3. The Supreme Court may appoint an administrative director and staff, who shall serve at its pleasure, to assist the court and the chief justice in the performance of administrative duties.

Section 4. The Supreme Court shall have power to make and promulgate rules and regulations in all civil and criminal cases for all courts relating to practice, procedure, pleading, evidence, and judicial administration, which shall have the force and effect of law.

Section 5. The appellate jurisdiction of the Supreme Court shall extend to all cases at law and in equity, subject, however, to such limitations and regulations as may be prescribed by law. Said court shall have power in its discretion to issue and to hear and determine writs of habeas corpus, mandamus, quo warranto, certiorari, prohibition, injunction, supervisory control and such other original and remedial writs as may be necessary or proper to the complete exercise of its appellate jurisdiction. Each of the justices of the Supreme Court shall have power to issue writs of habeas corpus to any part of the state, upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before the Supreme Court, and such writs may be heard and determined by the court.

Section 6. The Supreme Court shall consist of a chief justice and four associate justices, a majority of whom shall be necessary to form a quorum or pronounce a decision, but one or more of said justices may adjourn the court from day to day, or to a day certain, and the legislative assembly shall have the power to increase the number of associate justices to six. In case any justice of the Supreme Court shall be in any way disqualified to sit in a cause brought before such court, the remaining justice or justices shall have power to call on one or more of the district judges of this state as in the particular case may be necessary to constitute the full number of justices of which the said court shall then be composed, to sit with them in the hearing of said cause. In all cases where a district judge is invited to sit and does sit as by this section provided, the decision and opinion of such district judge shall have the same force and effect in any cause heard before the court as if regularly participated in by a justice of the Supreme Court. The chief justice shall preside at all sessions of the Supreme Court. In case of his absence, he shall appoint an associate justice to preside in his stead.

Section 7. There shall be a clerk of the Supreme Court. He shall be appointed by and hold his office at the pleasure of the Supreme Court. His compensation shall be fixed by law, and his duties by the rules of the Supreme Court.

DISTRICT COURTS

Section 8. The district courts shall have original jurisdiction of all justiciable matters, both civil and criminal, including jurisdiction to issue original and remedial writs. Their process shall extend to all parts of the state, and injunctions, writs of prohibition and habeas corpus, may be issued and served on legal holidays and nonjudicial days. Jurisdiction to review administrative action shall be provided by law. They shall have power of naturalization, and to issue papers therefor, in all cases where they are authorized to do so by the laws of the United States.

Section 9. The judge or judges of each district may, with the approval of the chief justice of the Supreme Court, provide for divisions and assign judges to particular types of cases and create one or more magistrates' offices. Magistrates shall be appointed by the district judge or judges of each district and assigned to such matters and such cases as shall be prescribed by the judge or judges of each district, except criminal cases amounting to felonies in which magistrates may act only as committing and examining courts. Magistrates shall exercise the jurisdiction of district courts in all matters and cases assigned to them and shall serve at the pleasure of the appointing judge or judges. Compensation of magistrates shall be fixed by the appointing judge or judges.

Section 10. The state shall be divided into judicial districts as provided by law, in each of which there shall be the number of judges provided by law. The Supreme Court may increase or decrease the number of judges in any judicial district, and may divide the state or any part thereof, into new districts, provided that each be formed of compact territory and be bounded by county lines. Changes by the Supreme Court in districts or the number of judges therein shall be effective unless rejected by the legislature at the legislative session following the change. No change in the number or boundaries of districts or diminution of the number of judges, shall have the effect of removing a judge from office. Such change in districts or the number of judges therein shall not take place more frequently than every four years.

Section 11. There shall be a clerk of the district court in each county. He shall be appointed by the judge or judges of the district in which the county is situated and shall hold his office at the pleasure of that court. Deputy clerks may be appointed by the judge or judges of each district, and shall hold office at the pleasure of the appointing judge or judges. The number of deputy clerks to be appointed shall be subject to the approval of the chief justice of the Supreme Court. The duties of clerks and deputy clerks shall be prescribed by the appointing judge or judges.

QUALIFICATIONS, SELECTION AND REMOVAL OF JUSTICES, JUDGES AND MAGISTRATES; JUDICIAL COUNCIL

Section 12. No person shall be eligible to the office of justice of the Supreme Court, judge of a district court, or district court magistrate, unless he shall have been admitted to practice law in the Supreme Court of Montana, and be a citizen of the United States, except that a district court magistrate need not have been admitted to the practice of law if a judge of the district for which the appointment shall have been made shall certify that no person who has been admitted to the practice of

law in the Supreme Court of Montana is available and shall file such certification with and secure the approval of the Supreme Court of Montana. No person shall be eligible to the office of justice of the Supreme Court unless he shall be at least thirty years of age and shall have resided in the state at least two years next preceding his appointment. No person shall be eligible to the office of district judge or district court magistrate unless he shall be at least twenty-five years of age and have resided within the state at least one year next preceding his appointment. District judges and magistrates need not be residents of the district for which they are chosen at the time of their appointment, but after his appointment a district court judge shall reside in the district for which he was chosen during his term of office.

Section 13. There shall be a nonpartisan Judicial Council, composed of members divided equally between the judiciary, the bar and the public. The Legislature shall provide the numbers, qualifications and method of selection. The chief justice of the Supreme Court shall be a member and chairman of the Council. The Council shall appoint the following committees and establish their procedural regulations:

(1) A Nominating Committee. A majority of the Committee shall be members of the public and the remainder shall be members of the bar and none of the Committee shall be members of the legislative, executive or judicial branches of government.

All vacancies for chief justice and associate justices of the Supreme Court and district court judges shall be filled by appointment by the Governor from a list submitted to him by the Nominating Committee of not less than two nor more than four qualified nominees for each vacancy. Justices and judges appointed by the Governor shall serve such terms as shall be fixed by law. Each justice or judge who desires to remain in office upon the expiration of his term shall be subject to approval or rejection in an uncontested general election on a nonpartisan ballot, as the legislature shall provide.

(2) A Research and Qualifications Committee. A majority of the Committee shall be members of the judiciary and bar and the remainder shall be members of the public. Members of this Committee may also be members of the Nominating Committee.

The Committee shall have the power to investigate, upon complaint by any citizen or on its own motion, charges which would be the basis for retirement, censure, or removal of any justice, judge or magistrate. For this purpose, it shall be authorized to conduct hearings and subpoena witnesses and documents. Such proceedings shall be confidential. Upon finding charges to be well founded, the Committee shall file a formal complaint before the Supreme Court. The Supreme Court shall hear such complaint, and if it be substantiated may retire, censure, or remove from office

any justice, judge, or magistrate. If the complaint be against a justice, the court shall call in a district judge as provided in Section 6 of this article.

The Research and Qualifications Committee also shall conduct continuing studies of the administration of justice in Montana and shall report to the legislature and to the Supreme Court as provided by law. Its studies shall include, but not be limited to, rules of procedure, practice, pleading, and evidence, the division of the state into judicial districts and the number of judges to be assigned to each district, and methods for the improvement of the administration of justice.

MISCELLANEOUS PROVISIONS

Section 14. The justices of the Supreme Court and the judges of the district courts shall be paid by the state a salary which shall not be diminished during the term of office. Other costs of the judicial system shall be borne by the state, or by the state, counties, cities and towns in such proportions and in such manner as the legislature shall provide; and revenues from fines and fees charged by the courts of Montana shall be distributed as the legislature shall provide.

Section 15. No justice of the Supreme Court nor judge or magistrate shall accept or receive any compensation, fee, allowance, prerequisite or emolument for or on account of his office, in any form whatever, except mileage, per diem and salary provided by law.

Section 16. No justice or clerk of the Supreme Court, nor judge or clerk of any district court shall act or practice as any attorney or counsellor at law in any court of this state or hold any public office during his continuance in office. This prohibition shall not apply to magistrates or deputy clerks of district courts.

Section 17. Each municipal court judge, police judge, and justice of the peace, in office at the effective date of this article shall continue to hold office and perform his present judicial functions until the expiration of his term. Each Supreme Court justice and district court judge in office on the effective date of this article shall continue to hold office and perform his judicial functions until rejected, removed, or retired as provided in Section 13.

Section 18. On the effective date of this article:

(1) Each court into which jurisdiction of other courts is transferred shall succeed to and assume jurisdiction of all causes, matters and proceedings then pending, with full power to carry into execution or otherwise give effect to all orders, judgments and decrees entered by the predecessor courts.

(2) The files, books, papers, records, documents, moneys, securities, and other property in the possession, custody or under the control of courts hereby abolished, or any officer thereof, are transferred to the district court; and thereafter all proceedings in all courts shall be matters of record."

Section 2. Article III, Section 8 of the present Constitution is amended to read as follows:

"Sec. 8. ~~Criminal offenses of which justice's courts and municipal and other courts, inferior to the district courts, have jurisdiction, shall, in all courts inferior to the district court, be prosecuted by complaint. All criminal actions in the district court, except those on appeal, shall be prosecuted by information, after examination and commitment by a magistrate, or after leave granted by the court, or shall be prosecuted by indictment without such examination or commitment, or without such leave of the court. A grand jury shall consist of seven persons, of whom five must concur to find an indictment.~~ Criminal cases not amounting to felony shall be prosecuted by complaint. Felony cases shall be prosecuted by information, after examination and commitment as provided by law, or after leave granted by the court, or shall be prosecuted by indictment without such examination or commitment, or without such leave of the court. A grand jury shall only be drawn and summoned when a district judge shall, in his discretion, consider it necessary, and shall so order."

Section 3. Article III, Section 23 of the present Constitution is amended to read as follows:

"Sec. 23. The right of trial by jury shall be secured to all, and remain inviolate, but in all civil cases and in all criminal cases not amounting to felony, upon default of appearance, or by consent of the parties expressed in such manner as the law may prescribe, a trial by jury may be waived, or a trial had by any less number of jurors than the number provided by law. ~~A jury in a justice's court, both in civil cases and in cases of criminal misdemeanor, shall consist of not more than six persons.~~ In civil cases where the sum claimed or the the value of that which is claimed by the plaintiff, not including interest and costs, does not exceed ten thousand dollars, and in criminal cases not amounting to felony, a jury shall consist of not more than six persons. In all civil ~~actions~~ cases and in all criminal cases not amounting to felony, two-thirds in number of the jury may render a verdict, and such verdict so rendered shall have the same force and effect as if all such jury concurred therein."

Section 4. Article VIII of the present Constitution is repealed in its entirety.

DELEGATE PROPOSAL
No. 7 - Judicial Article

INTRODUCED BY: /s/ Earl Berthelson

/s/ Catherine Pemberton

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 8

DATE INTRODUCED: JAN. 21, 1972

Referred to General Government and Constitutional Amendment Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING FOR RECALL OF PUBLIC OFFICERS.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section____. RECALL. Each elected public official of the state and of its political subdivisions is subject to recall by the voters of the area from which he is elected in the manner provided by the legislature."

INTRODUCED BY: /s/ Fred J. Martin

/s/ Richard E. Roeder /s/ Dorothy Eck

/s/ J. Mason Melvin

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 9

DATE INTRODUCED: JAN. 21, 1972

Referred to Local Government Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL ARTICLE VESTING LOCAL GOVERNMENT POWERS IN DISTRICTS.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Article to provide as follows:

"ARTICLE _____

LOCAL GOVERNMENT

Section 1. CREATION OF DISTRICTS. The state shall be divided into districts.

Section 2. AUTHORITY OF DISTRICTS. Each district shall be a body politic and corporate and have full governmental authority except to the extent to which that authority is in this constitution reserved to the state or otherwise restricted.

Section 3. BOARD OF SUPERVISORS. The authority of the district shall be exercised through a board of supervisors consisting of five members elected in the district at large for overlapping six year terms.

The legislature may prescribe the manner in which district authority is to be exercised, insofar as necessary for reasonable uniformity among the districts.

Section 4. IMPLEMENTATION. Counties, cities, school districts and other local subdivisions existing on the effective date of this constitution shall continue to exercise their powers and functions under present law pending enactment of legislation to carry out the provisions of this constitution; but new subdivisions shall be created only in accordance with this constitution.

In event such legislation has not been enacted by January 1, 1980, and transition thereunder effected, this article shall on that date become automatically and fully effective and self-executing, all presently existing laws inconsistent therewith shall expire except for the purpose of and to the extent necessary for the discharge of any outstanding obligations of particular subdivisions, each of the existing counties of the state shall become a district under this article, existing subdivisions therein shall be merged in such district and the respective districts shall be the lawful successors thereto and responsible for the orderly liquidation thereof; and the offices of the several members of district boards of supervisors shall be filled as in the case of vacancies otherwise ordinarily arising or existing therein.

In any county which has not already become a district or part of a district established under this article the question of early local implementation of this article may be submitted to the qualified electors of the county at any time in accordance with procedures under this constitution or any applicable law for submission of questions to popular vote by initiative or referendum; and if such procedures do not make provision for such submission in subdivisions such as counties the same shall nevertheless be adapted to the extent necessary therefor and implemented and applied as so adapted with the same force, effect and validity as if such adaptation had been incorporated in the procedures as originally established or enacted. If such question upon any such submission is decided in the affirmative, the provisions of this article shall thereupon become fully effective and self-executing, in accordance with and as set forth in the provisions hereof fixing a definite time for such article to become automatically effective and self-executing, and all of such provisions shall be applied but without regard to the definite time fixed therein, within such county.

Section 5. FIRST ELECTION OF SUPERVISORS. Of district supervisors first elected the term of office of the successful candidate receiving the highest number of votes shall be six years, the term of each of those two receiving the next highest numbers shall be four years and the term of each of the two successful candidates receiving the lowest numbers of votes shall be two years."

INTRODUCED BY: /s/ Frank Arness

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 10

DATE INTRODUCED: JAN. 21, 1972

Referred to Bill of Rights Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING FOR EQUAL RIGHTS.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. EQUAL RIGHTS. Equality of rights under the law shall not be denied or abridged by the state of Montana on account of sex."

INTRODUCED BY: /s/ Virginia H. Blend

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 11

DATE INTRODUCED: JAN. 21, 1972

Referred to Education and Revenue & Finance Committees

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING FOR FULL STATE FUNDING OF ALL FREE PUBLIC SCHOOLS.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. All funds, both operational and capital, to support the free public schools shall be appropriated by the Legislature. No real or personal property taxes may be used to support free public schools."

INTRODUCED BY: /s/ Virginia H. Blend

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 12

DATE INTRODUCED: JAN. 21, 1972

Referred to Natural Resources and Agriculture Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL ARTICLE PROTECTING THE ENVIRONMENT.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Article to provide as follows:

"ARTICLE ____

ENVIRONMENT

Section 1. ENVIRONMENT A PUBLIC TRUST. The common heritage of mankind being an environmental life support system upon which the health and welfare of the people of this state is dependent, the maintenance of the integrity of this system for the benefit of present and future generations is declared to be a public trust.

Section 2. PUBLIC TRUST COMMON PROPERTY. This public trust is the common property of the people of this state, inseparable from the general welfare and other than for uses of demonstrably important public purpose beneficial to the general welfare of the people of the state, shall not be usurped by an entity without just compensation.

Section 3. RIGHTS OF INDIVIDUALS. Each person has an inalienable right to the unimpaired enjoyment of this public trust and shall be entitled to enforce this right on his own behalf and on behalf of others against any entity through appropriate legal proceedings."

INTRODUCED BY: /s/ Jerome J. Cate

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 13

DATE INTRODUCED: JAN. 21, 1972

Referred to Bill of Rights Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION MAKING ALL PERSONS OVER EIGHTEEN (18) YEARS OF AGE ADULTS FOR ALL PURPOSES, INCLUDING THE RIGHT TO HOLD ANY PUBLIC OFFICE.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. Persons eighteen (18) years of age are declared to be adults for all purposes and shall have the right to hold any public office in the state."

INTRODUCED BY: /s/ Bob Campbell

/s/ Dorothy Eck

/s/ Mike McKeon

/s/ Lyle R. Monroe

/s/ Don Foster

/s/ Jerome J. Cate

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 14

DATE INTRODUCED: JAN. 21, 1972

Referred to Bill of Rights Committee

III, 7

A PROPOSAL AMENDING ARTICLE III, SECTION 7 OF THE CONSTITUTION OF THE STATE OF MONTANA TO PROHIBIT INTERCEPTION OF PRIVATE COMMUNICATIONS WITHOUT A VALID SEARCH WARRANT.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. Article III, Section 7 of the present Constitution is amended to read as follows:

"Section 7. The people shall be secure in their persons, papers, homes, and effects, from unreasonable searches and seizures, invasions of privacy, and no warrant to search any place, utilize electronic or other means to intercept oral or other communications, or seize any person or thing shall issue without describing the place to be searched, or the person or thing to be seized, nor without probable cause, supported by oath or affirmation, reduced to writing."

INTRODUCED BY: /s/ Bob Campbell

/s/ Dorothy Eck

/s/ Cedor P. Aronow

/s/ D. A. Scanlin

/s/ Robert J. Vermillion

/s/ Marshall Murray

/s/ Mike McKeon

/s/ Jerome J. Cate

/s/ Lyle R. Monroe

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 15

DATE INTRODUCED: JAN. 21, 1972

Referred to Bill of Rights and Style & Drafting Committees

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION INCORPORATING THE INTENT OF ORDINANCE NO. 1 OF THE 1889 CONSTITUTION.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. The people inhabiting the State of Montana, agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian or Indian tribes, and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States, that the lands belonging to citizens of the United States, residing without the State of Montana, shall never be taxed a higher rate than the lands belonging to residents thereof; that no taxes shall be imposed by the State of Montana on lands or property therein belonging to, or which may hereafter be purchased by the United States or reserved for its use. But nothing herein contained shall preclude the State of Montana from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relations and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation, but said last named lands shall be exempt from taxation by the State of Montana so long and to such extent as such act of Congress may prescribe."

DILEGATE PROPOSAL
No. 15 - Lands

INTRODUCED BY: /s/ D. A. Scanlin

/s/ Robert Vermillion

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 16

DATE INTRODUCED: JAN. 25, 1972

Referred to Revenue and Finance Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION REGULATING EARMARKING OF STATE REVENUES.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. EARMARKING. State revenues shall not be earmarked to any special purpose, except when required by the federal government for state participation in federal programs."

INTRODUCED BY: /s/ Virginia H. Blend

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 17

DATE INTRODUCED: JAN. 25, 1972

Referred to Local Government Committee

XVI, 4

A PROPOSAL REPEALING ARTICLE XVI, SECTION 4 OF THE CONSTITUTION OF THE STATE OF MONTANA AND ADDING A NEW SECTION PROVIDING FOR THE ELECTION OF BOARDS OF COUNTY COMMISSIONERS.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. Article XVI, Section 4 of the present Constitution, which reads as follows, is repealed:

~~"Sec. 4. In each county there shall be elected three county commissioners, whose term of office shall be six years; provided that each county in the state of Montana shall be divided into three commissioner districts, to be designated as commissioner districts, numbers one, two and three, respectively.~~

~~The board of county commissioners shall in every county in the state of Montana, at their regular session, on the first Monday in May, 1929, or as soon thereafter as convenient or possible, not exceeding sixty days thereafter, meet and by and under the direction of the district court judge or judges of said county, divide their respective counties into three commissioner districts as compact and equal in population and area as possible, and number them respectively, one, two and three, and when such division has been made, there shall be filed in the office of the county clerk and recorder of such county, a certificate designating the metes and bounds of the boundary lines and limits of each of said commissioners districts, which certificate shall be signed by said judge or judges, provided, also that at the first regular session of any newly organized and created county, the said board of county commissioners, by and under the direction of the district court judge or judges of said county, shall divide such new county into commissioner districts as herein provided.~~

~~Upon such division, the board of county commissioners shall assign its members to such districts in the following manner, each member of the said board then in service shall be assigned to the district in which he is residing or the nearest thereto, the senior member of the board in service to be assigned to the commissioner district No. 1, the next member in seniority to be assigned to commissioner district No. 2, and the junior member of the board to be assigned to commissioner district No. 3, provided, that at the first general election of any newly created and organized county, the commissioner for district No. 1, shall be elected for two years, for No. 2, for four years, and for No. 3, for six years, and biennially thereafter there shall be one commissioner elected to take place of the retiring commissioner, who shall hold his office for six years.~~

~~That the board of county commissioners by and under the direction of the district court judge or judges of said county, for the purpose of equalizing in population and area such commissioner districts, may change the boundaries of any or all of the commissioner districts in their respective county, by filing in the office of the county clerk and recorder of such county, a certificate signed by said judge or judges designating by metes and bounds the boundary lines of each of said commissioner districts as changed, and such change in any or all the districts in such county, shall become effective from and after filing of such certificate, provided, however, that the boundaries of no commissioner district shall at any time be changed in such a manner as to affect the term of office of any county commissioner who has been elected, and whose term of office has not expired, and provided, further, that no change in the boundaries of any commissioner district shall be made within six months next preceding a general election.~~

~~At the general election to be held in 1936, and thereafter at each general election, the member or members of the board to be elected, shall be selected from the residents and electors of the district or districts in which the vacancy occurs, but the election of such member or members of the board shall be submitted to the entire electorate of the county, provided, however, that no one shall be elected as a member of said board, who has not resided in said district for at least two years next preceding the time when he shall become a candidate for said office.~~

~~When a vacancy occurs in the board of county commissioners the judge or judges of the judicial district in which the vacancy occurs, shall appoint someone residing in such commissioner district where the vacancy occurs, to fill the office until the next general election when a commissioner shall be elected to fill the unexpired term."~~

Section 2. There shall be a new Constitutional Section to provide as follows:

DELEGATE PROPOSAL
No. 17 - Elections

"Section ___. BOARDS OF COUNTY COMMISSIONERS. Each county shall have an elected board of county commissioners of no less than three nor more than seven members. Each commissioner shall be a resident of, and elected only by the voters of, a single member district; such districts within a county shall be as equal in population as is practicable and shall be redrawn periodically as may be required by the Fourteenth Amendment to the United States Constitution and by law. The legislature shall provide by law for such reapportionment, for division of each county into districts, for overlapping terms of office for commissioners and for methods by which residents and boards of commissioners of each county may decrease the membership of the board to not less than three or increase the membership to no more than seven."

INTRODUCED BY: /s/ Arnold W. Jacobsen

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 18

DATE INTRODUCED: JAN. 25, 1972

Referred to Bill of Rights Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION RELATING TO THE RIGHT TO COUNSEL.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. RIGHT TO COUNSEL. An indigent person shall have the right to counsel in administrative or court proceedings in which the State, or any subdivision thereof, is an adverse party."

INTRODUCED BY: /s/ Jerome J. Cate

/s/ Bob Campbell

/s/ Richard J. Champoux

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 19

DATE INTRODUCED: JAN. 25, 1972

Referred to Legislative Committee

V, 6

A PROPOSAL AMENDING ARTICLE V, SECTION 6 OF THE CONSTITUTION OF THE STATE OF MONTANA TO CHANGE THE MEETING DATE OF THE LEGISLATURE FROM THE FIRST MONDAY OF JANUARY TO THE FIRST MONDAY OF FEBRUARY.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. Article V, Section 6 of the present Constitution is amended to read as follows:

"Sec. 6. The legislative assembly (except the first) shall meet at the seat of government at twelve o'clock noon, on the first Monday of ~~January~~ February, next succeeding the general election provided by law, and at twelve o'clock noon, on the first Monday of ~~January~~ February, of each alternate year thereafter, and at other times when convened by the Governor.

The term of service of the members thereof shall begin the next day after their election, until otherwise provided by law; provided, that the first legislative assembly shall meet at the seat of government upon the proclamation of the Governor after the admission of the state into the Union, upon a day to be named in said proclamation, and which shall not be more than fifteen nor less than ten days after the admission of the state into the Union."

INTRODUCED BY: /s/ Miles Romney

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 20

DATE INTRODUCED: JAN. 25, 1972

Referred to Bill of Rights Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL ARTICLE PROVIDING A PUBLIC POLICY OF A QUALITY ENVIRONMENT.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Article to provide as follows:

"ARTICLE ____

NATURAL RESOURCES

Section ___. ENVIRONMENTAL POLICY. It is the public policy of the State of Montana and the duty of each person to provide, maintain, and enhance a quality environment for the benefit of the people."

INTRODUCED BY: /s/ C. B. McNeil

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 21

DATE INTRODUCED: JAN. 25, 1972

Referred to Bill of Rights Committee

A PROPOSAL FOR A NEW SECTION TO ARTICLE III, BILL OF RIGHTS, OF THE CONSTITUTION OF THE STATE OF MONTANA GUARANTEEING AN INDIVIDUAL'S RIGHT TO A QUALITY ENVIRONMENT.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section in Article III of the Constitution of the State of Montana to provide as follows:

"Section 32. It is the right of each person to have, and the duty of each person to maintain and enhance, a quality environment."

INTRODUCED BY: /s/ C. B. McNeil

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 22

DATE INTRODUCED: JAN. 25, 1972

Referred to Legislative Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL ARTICLE VESTING LEGISLATIVE POWERS IN A UNICAMERAL LEGISLATURE.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Article to provide as follows:

"ARTICLE ____

THE LEGISLATURE

Section 1. LEGISLATIVE POWER. The legislative power of the state shall be vested in the legislative assembly, but the people may propose and enact laws by initiative and they may approve or reject legislative acts by referendum.

Section 2. LEGISLATIVE COMPOSITION. The legislative assembly shall be composed of one (1) chamber of not less than seventy-five (75) and not more than one hundred (100) members.

Section 3. LEGISLATIVE DISTRICTS AND APPORTIONMENT. (1) For the purpose of electing members of the legislative assembly, the state shall be divided into as many districts as there shall be members of the legislative assembly. Each district shall consist of compact and contiguous territory. All districts shall be so nearly equal in population as is practicable.

(2) Immediately following each federal census of population there shall be a redistricting of legislative districts and reapportionment of voters within the districts. In the session preceding each federal census, the majority and minority leaders of the legislative assembly shall each appoint two (2) members to a reapportionment commission. Together, the four (4) members shall select a chairman. No member of the reapportionment commission shall be a legislator or a state official. The commission plan

shall be submitted to the legislative assembly at the next session after the federal census is made public and shall become law when approved by a majority of the legislative assembly. If it is not approved, the legislative assembly shall return the plan to the commission with its recommendations for change, and the commission shall within thirty (30) days cause the secretary of state to announce and publish its final plan in the manner provided for acts of the legislative assembly and the plan shall have the force of law upon such publication.

Section 4. ELECTION AND TERM OF MEMBERS. The members of the legislative assembly shall be elected by the qualified voters of the state in each odd-numbered year for a term of two (2) years.

Section 5. LEGISLATIVE IMMUNITY. The members of the legislative assembly shall, in all cases, except treason, felony, violation of their oath of office, and breach of the peace, be privileged from arrest during their attendance at the sessions of the legislative assembly, and in going to and returning from the same; and for any speech or debate in the assembly they shall not be questioned in any other place.

Section 6. CITIZENS COMPENSATION COMMISSION. Legislators shall receive an annual salary and reasonable expenses and allowances set by a citizens compensation commission composed of seven (7) members. The Governor shall appoint three (3) members and the majority and minority leaders of the legislative assembly shall each appoint two (2) members. Members of the legislature and officers and employees of the state or of any county, municipality or other governmental unit of the state shall not be eligible for appointment to the commission. The legislature may further specify the requirements for membership. The commission shall meet every two (2) years. Within a period after its appointment set by law, the commission shall submit to the legislature its proposals which the legislature may decrease but not increase. The commission will then dissolve.

Section 7. LEGISLATIVE SESSIONS. The legislative assembly shall be a continuous body during the term for which its members are elected. It shall meet in regular sessions annually on the fourth Monday in January, but the month and day may be changed by law. It may be convened at other times by the Governor, by the assembly's majority and minority leaders, or at the written request of a majority of the members of the legislative assembly.

Section 8. ORGANIZATION. (1) The legislative assembly shall judge the elections, returns, and qualifications of its members and choose its officers and employees. No member shall be expelled without the concurrence of two-thirds (2/3) of the membership.

(2) A majority of the membership of the legislative assembly constitutes a quorum to do business, but a smaller number may

adjourn from day to day and may compel attendance of absent members.

Section 9. ACCOUNTABILITY AND CITIZEN ACCESS. (1) All sessions and committee meetings of the legislative assembly, including the committee of the whole, shall be open to the public.

(2) The vote of each member in all sessions and committee meetings of the legislative assembly, including the committee of the whole, shall be recorded and entered in the journal. The legislative assembly shall keep a journal of its proceedings.

(3) Public notice shall be given five (5) days in advance for all committee hearings.

Section 10. FORM OF BILLS. (1) Every bill shall be confined to one (1) subject and properly associated matters unless it is an appropriation bill or one codifying, revising, or rearranging existing laws. Bills for appropriations shall be confined to appropriations. A law shall not be judicable under this provision sixty (60) days after its enactment.

(2) The enacting clause shall be: "Be it enacted by the Legislative Assembly of the State of Montana."

Section 11. PASSAGE OF BILLS. (1) No law shall be passed except by bill and no bill shall be so altered or amended during passage that its original purpose is changed.

(2) No bill shall become law unless it has been referred to a committee, reported out, reproduced with all its final amendments, and placed on the desk of each member five (5) days before final passage.

(3) No bill shall become a law except by a majority vote of all the members present in the legislative assembly.

Section 12. SPECIAL AND LOCAL LEGISLATION. The legislative assembly shall pass no special or local act when a general act is, or can be made, applicable.

Section 13. VETO. (1) All bills passed by the legislative assembly shall be submitted to the Governor, who has the power to veto all bills but those initiated by or referred to the people. The Governor may, by veto, strike or reduce items in appropriations bills. He shall return any vetoed bill, with a statement of his objections, to the legislative assembly.

(2) Upon receipt of a veto message, the legislative assembly shall meet to reconsider passage of the vetoed bill or item. Vetoed bills become law by affirmative vote of two-thirds (2/3) of the membership of the legislative assembly.

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(3) A bill becomes law if, while the legislative assembly is in session, the Governor neither signs nor vetoes it within fifteen (15) days, Sundays excepted, after its delivery to him. If the legislative assembly is not in session and the Governor neither signs nor vetoes a bill within twenty (20) days, Sundays excepted, after its delivery to him, the bill is vetoed.

Section 14. IMPEACHMENT. All civil officers of the state are subject to impeachment by the legislative assembly. Impeachment shall originate in the legislative assembly and must be approved by a two-thirds (2/3) vote of its members. The motion for impeachment shall list fully the basis for the proceeding. Trial on impeachment shall be conducted by the supreme court, unless a member of the supreme court is being tried, in which case the state's district court judges shall act as the tribunal. Concurrence of two-thirds (2/3) of the members of the tribunal is required for a judgment of impeachment. The judgment may not extend beyond removal from office, but shall not prevent proceedings in the courts on the same or related charges.

INTRODUCED BY: /s/ Arlyne Reichert

/s/ Mae Nan Robinson
/s/ Daphne Pugbee
/s/ Robert Lee Kelleher
/s/ Carman M. Skari
/s/ George W. Rollins
/s/ Bob Campbell
/s/ George Harper
/s/ Lyle R. Monroe
/s/ John H. Toole
/s/ Jerome T. Loendorf
/s/ Wade J. Dahood
/s/ Marshall Murray
/s/ Arnold W. Jacobsen
/s/ Harold Arbanas
/s/ Margaret S. Warden
/s/ W. H. Swanberg
/s/ James R. Felt
/s/ Virginia H. Blend
/s/ J. K. Ward
/s/ Marian S. Erdmann
/s/ Paul K. Harlow
/s/ Marjorie Cain
/s/ Katie Payne
/s/ Noel D. Furlong
/s/ Earl Berthelson
/s/ George B. Heliker
/s/ Jean M. Bowman
/s/ Lucile Speer
/s/ Gene Harbaugh
/s/ John H. Leuthold

/s/ Lyman W. Choate

/s/ Bruce M. Brown

/s/ Russell C. McDonough

/s/ Don Rebal

/s/ Rachell K. Mansfield

/s/ Max Conover

/s/ Richard E. Roeder

/s/ Dorothy Eck

/s/ Wm. A. Burkhardt

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 23

DATE INTRODUCED: JAN. 25, 1972

Referred to local Government and Revenue & Finance Committees

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING FOR FULL STATE FUNDING OF WELFARE.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. All funds to support public welfare in the State of Montana shall be appropriated by the legislature. No real or personal property taxes may be used to finance public welfare."

INTRODUCED BY: /s/ Virginia H. Blend

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 24

DATE INTRODUCED: JAN. 25, 1972

Referred to General Government and Constitutional Amendment Committee

XIX, 2

A PROPOSAL REPEALING ARTICLE XIX, SECTION 2, OF THE CONSTITUTION OF THE STATE OF MONTANA.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. Article XIX, Section 2 of the present Constitution, which reads as follows, is repealed:

~~"Sec. 2. The legislative assembly shall have no power to authorize lotteries, or gift enterprises for any purpose, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets in this state."~~

INTRODUCED BY: /s/ Lyman W. Choate

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 25

DATE INTRODUCED: JAN. 25, 1972

Referred to Executive Committee and Legislative Committee

VII, 12

A PROPOSAL AMENDING ARTICLE VII, SECTION 12 OF THE CONSTITUTION OF THE STATE OF MONTANA TO PROVIDE THE LEGISLATURE WITH THE OPPORTUNITY TO OVERRIDE GUBERNATORIAL VETOES.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. Article VII, Section 12 of the present Constitution is amended to read as follows:

"Sec. 12. Every bill passed by the legislative assembly shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it, and thereupon it shall become a law; but if he do not approve, he shall return it with his objections to the house in which it originated, which house shall enter the objections at large upon its journal and proceed to reconsider the bill. If then two-thirds of the members present agree to pass the same, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered and if approved by two-thirds of the members present in that house it shall become a law notwithstanding the objections of the Governor. In all such cases the vote of each house shall be determined by yeas and nays, to be entered on the journal. If any bill shall not be returned by the Governor within five days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the legislative assembly shall by their adjournment prevent its return, in which case it shall not become a law without the approval of the Governor. No bill shall become a law after the final adjournment of the legislative assembly, unless approved by the Governor within fifteen days after such adjournment. ~~In case the Governor shall fail to approve of any bill after the final adjournment of the legislative assembly it shall be filed, with his objections, in the office of the secre-~~

~~tary--of-state.~~ If the Governor fails to approve a bill after the final adjournment of the legislative assembly, copies of the bill, together with the reasons for the Governor's veto, shall be sent by registered mail to all legislators. If two-thirds (2/3) of the members of each house return the bill with an affirmative vote within ten (10) days, attested to by a notary public, the bill shall become law.

INTRODUCED BY: /s/ Chet Blaylock

/s/ Dorothy Eck

/s/ George H. James

/s/ Charles H. Mahoney

/s/ Margaret S. Warden

/s/ R. S. Hanson

/s/ D. A. Scanlin

/s/ Douglas Delaney

/s/ Rachell Mansfield

/s/ Leslie Eskildsen

DELEGATE PROPOSAL
No. 26 - State Boundaries

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 26

DATE INTRODUCED: JAN. 25, 1972

Referred to General Government and Constitutional Amendment Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL ARTICLE TO PROVIDE BOUNDARIES FOR THE STATE OF MONTANA.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Article to provide as follows:

"ARTICLE ___

BOUNDARIES

Section 1. The boundaries of the State of Montana shall be as established in the federal Organic Act creating the Territory of Montana."

INTRODUCED BY: /s/ Bruce M. Brown

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 27

DATE INTRODUCED: JAN. 25, 1972

Referred to General Government and Constitutional Amendment Committee

XIX, 9

A PROPOSAL AMENDING ARTICLE XIX, SECTION 9 OF THE CONSTITUTION OF THE STATE OF MONTANA PROVIDING FOR A MAJORITY RATHER THAN TWO-THIRDS VOTE FOR LEGISLATIVE CONSTITUTIONAL AMENDMENTS, PROVIDING FOR CONSTITUTIONAL AMENDMENT BY THE PEOPLE AND PROHIBITING EXECUTIVE VETO OF PROPOSED AMENDMENTS.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. Article XIX, Section 9 of the present Constitution is amended to read as follows:

"Sec. 9. Amendments to this constitution may be proposed in either house of the legislative assembly, and if the same shall be voted for by ~~two-thirds~~ a majority of the members elected to each house, such proposed amendments, together with the ayes and nays of each house thereon, shall be entered in full on their respective journals~~.~~.

The people of Montana may also propose constitutional amendments by initiative petitions. Each petition shall include the full text of the proposed amendment and shall be signed by ten (10) percent or more of the state's legal voters. The number of legal voters for the state is determined by the votes cast for Governor in the general election immediately preceding filing of petitions. The petitions shall be filed with the Secretary of State four (4) months or more before the election at which they will be voted on. ~~and~~ The secretary of state shall cause the said amendment or amendments to be published in full in at least one newspaper in each county (if such there be) for ~~three months~~ four weeks previous to the ~~next general~~ election ~~for members to the legislative assembly,~~ at which the amendments will be voted on. ~~and~~ At said election the ~~said~~ amendment or amendments shall be submitted to the qualified electors of the state for their

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approval or rejection and such as are approved by a majority of those voting thereon shall become part of the constitution. Should more amendments than one be submitted at the same election, they shall be so prepared and distinguished by numbers or otherwise that each can be voted upon separately; provided, however, that not more than ~~three~~ six amendments to this constitution shall be submitted at the same election by the legislative assembly and not more than two amendments shall be submitted by the people. If more than two petitions for amendment are offered to the Secretary of State he shall publish and offer to the people the two with the greatest number of signatures; if there is an equal number of signatures the first petition filed shall take precedence.

The veto power of the Governor shall not extend to proposed constitutional amendments."

INTRODUCED BY: /s/ Charles H. Mahoney

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 28

DATE INTRODUCED: JAN. 25, 1972

Referred to General Government and Constitutional Amendment Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING FOR LEGISLATIVE AUTHORIZATION OF GAMBLING.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. All forms of gambling, lotteries, and gift enterprises previously prohibited by the Constitution of the State of Montana are prohibited until such time as they may be authorized by a majority vote of the legislature or by the people through initiative or referendum."

INTRODUCED BY: /s/ Don E. Belcher

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 29

DATE INTRODUCED: JAN. 26, 1972

Referred to Education and General Government Committees

XI, 10

A PROPOSAL REPEALING ARTICLE XI, SECTION 10, OF THE CONSTITUTION OF THE STATE OF MONTANA AND ADDING A NEW SECTION TO PROVIDE THAT SCHOOL ELECTIONS BE HELD IN CONJUNCTION WITH OTHER ELECTIONS.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. Article XI, Section 10 of the present Constitution, which reads as follows, is repealed:

~~"Sec. 10. The legislative assembly shall provide that all elections for school district officers shall be separate from those elections at which state or county officers are voted for."~~

Section 2. There shall be a new Constitutional Section to provide as follows:

"Section ___. SCHOOL ELECTIONS. Except in specific instances designated by the legislature, all elections for school district officers, mill levies or indebtedness shall be conducted in conjunction with elections at which state, county or municipal officers are voted for."

INTRODUCED BY: /s/ Marian Erdmann

/s/ Charles H. Mahoney

/s/ M. Lynn Sparks

/s/ Clark E. Simon

/s/ Daniel W. Harrington

/s/ George Harper

/s/ Betty Babcock

/s/ Maurice Driscoll

/s/ Carman Skari

/s/ Thomas M. Ask

/s/ Katie Payne

/s/ Fry Cysler

DELEGATE PROPOSAL
No. 30 - Sovereign Immunity

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 30

DATE INTRODUCED: JAN. 26, 1972

Referred to Judiciary Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION ELIMINATING THE DEFENSE OF SOVEREIGN IMMUNITY.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section 1. The State of Montana and its subdivisions shall be subject to the same liabilities as a natural person."

INTRODUCED BY: /s/ Jerome J. Cate

/s/ Jerome T. Icendorf

/s/ Mae Nan Robinson

/s/ Bob Campbell

/s/ Carman Skari

/s/ Arlyne Reichert

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 31

DATE INTRODUCED: JAN. 26, 1972

Referred to General Government and Constitutional Amendment Committee

XIX, 1

A PROPOSAL AMENDING ARTICLE XIX, SECTION 1 OF THE CONSTITUTION OF THE STATE OF MONTANA TO PROVIDE A BRIEF OATH OF OFFICE.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. Article XIX, Section 1 of the present Constitution is amended to read as follows:

"Section 1. Members of the legislative assembly and all officers, executive, ministerial or judicial, shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation, to-wit: "I do solemnly swear (or affirm) that I will support, protect and defend the constitution of the United States, and the constitution of the state of Montana, and that I will discharge the duties of my office with fidelity~~;, and that I have not paid, or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing to procure my nomination or election (or appointment) except for necessary and proper expenses expressly authorized by law, that I have not knowingly violated any election law of this state, or procured it to be done by others in my behalf, that I will not knowingly receive, directly, or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office other than the compensation allowed by law,~~ so help me God. ~~And no other oath, declaration or test shall be required as a qualification for any office or public trust.~~"

INTRODUCED BY: /s/ Paul Harlow

DELEGATE PROPOSAL
No. 32 - Bill of Rights

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 32

DATE INTRODUCED: JAN. 26, 1972

Referred to Bill of Rights Committee

A PROPOSAL FOR A NEW SECTION IN ARTICLE III OF THE PRESENT CONSTITUTION, THE BILL OF RIGHTS, GUARANTEEING FREEDOM FROM DISCRIMINATION.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section in Article III to provide as follows:

"Section ___. No person shall, because of race, color, national origin, creed, religion or sex be subjected to any public or private discrimination in political and civil rights, in the hiring and promotion practices of any employer, or in the sale or rental of property. These rights shall be enforceable without action by the legislative assembly. Persons aggrieved shall have access to the Courts to enjoin discrimination prohibited by this section."

INTRODUCED BY: /s/ Mae Nan Robinson

/s/ Lucile Speer

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 33

DATE INTRODUCED: JAN. 26, 1972

Referred to Bill of Rights Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION TO INSURE THE RIGHTS OF INDIVIDUAL DIGNITY, PRIVACY, AND FREE EXPRESSION.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. The rights of individual dignity, privacy, and free expression being essential to the well-being of a free society, the state shall not infringe upon these rights without the showing of a compelling state interest."

INTRODUCED BY: /s/ Bob Campbell

/s/ Donald R. Foster

/s/ Frank Arness

/s/ Mae Nan Robinson

/s/ Marshall Murray

/s/ Lyle R. Monroe

/s/ Jean Bowman

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 34

DATE INTRODUCED: JAN. 26, 1972

Referred to Judiciary Committee

III, 24

A PROPOSAL AMENDING ARTICLE III, SECTION 24 OF THE CONSTITUTION OF THE STATE OF MONTANA REAFFIRMING THE PRINCIPLES OF REFORMATION AND PROVIDING AUTOMATIC RESTORATION OF RIGHTS UPON TERMINATION OF STATE SUPERVISION.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. Article III, Section 24 of the present Constitution is amended to read as follows:

"Section 24. Laws for the punishment of crime shall be founded on the principles of reformation and prevention, ~~but this shall not affect the power of the legislative assembly to provide for punishing offences by death.~~ and full rights shall be automatically restored upon termination of state supervision for any offense against the state."

INTRODUCED BY: /s/ Bob Campbell

/s/ Lyle R. Monroe

/s/ Marshall Murray

/s/ Frank Arness

/s/ Jean Ecwman

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 35

DATE INTRODUCED: JAN. 26, 1972

Referred to Revenue and Finance Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION IN ARTICLE XII OF THE PRESENT CONSTITUTION TO PROVIDE THAT THE LEGISLATIVE ASSEMBLY MAY ALLOW PREFERENTIAL TAXATION.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section in Article XII to provide as follows:

"Section ___. The legislative assembly may provide that farms, agricultural lands, standing timber, timberlands, and other open space lands used for recreation or enjoyment of their scenic or natural beauty shall be valued for purposes of taxation on the basis of the use to which the property is currently being applied."

INTRODUCED BY: /s/ Mae Nan Robinson

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 36

DATE INTRODUCED: JAN. 26, 1972

Referred to General Government and Constitutional Amendment Committee

X, 2, 3, 4

A PROPOSAL REPEALING SECTIONS 2 AND 4 OF ARTICLE X OF THE CONSTITUTION OF THE STATE OF MONTANA AND AMENDING SECTION 3 OF ARTICLE X TO PROVIDE FOR THE SEAT OF MONTANA GOVERNMENT.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. Article X, Section 2 of the present Constitution, which reads as follows, is repealed:

~~"Sec. 2. At the general election in the year one thousand eight hundred and ninety-two, the question of permanent location of the seat of government is hereby provided to be submitted to the qualified electors of the state, and the majority of all the votes upon said question shall determine the location thereof. In case there shall be no choice of location at said election, the question of choice between the two places for which the highest number of votes shall have been cast shall be, and is hereby, submitted in like manner to the qualified electors at the next general election thereafter; provided, that until the seat of government shall have been permanently located the temporary seat of government shall be and remain at the city of Helena."~~

Section 2. Article X, Section 4 of the present Constitution, which reads as follows, is repealed:

~~"Sec. 4. The legislative assembly shall make no appropriations or expenditures for capitol buildings or grounds until the seat of government shall have been permanently located, as herein provided."~~

Section 3. Article X, Section 3 of the present Constitution is amended to read as follows:

"Sec. 3. ~~When~~ The seat of government ~~shall have~~ having been located ~~as herein provided~~ in Helena the location thereof shall not ~~thereafter~~ be changed, except by a vote of two-thirds of all the qualified electors of the state voting on that question at a general election at which the question of the location of the seat of government shall have been submitted by the legislative assembly."

INTRODUCED BY: /s/ Don E. Belcher

/s/ Otto T. Habedank

/s/ Lyman W. Choate

/s/ Peter "Pete" Lorello

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 37

DATE INTRODUCED: JAN. 26, 1972

Referred to Revenue and Finance Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING FOR EARMARKING BY THE LEGISLATURE.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. EARMARKING. The legislature shall have the sole authority to earmark monies accruing to the state from whatever sources."

INTRODUCED BY: /s/ Donald R. Foster

/s/ Rachell Mansfield

/s/ Bob Campbell

/s/ Jean Bowman

/s/ Mae Nan Robinson

/s/ D. G. Drum

/s/ Thomas M. Ask

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 38

DATE INTRODUCED: JAN. 26, 1972

Referred to Judiciary Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING FOR CITIZEN PARTICIPATION IN THE OPERATION OF THE GOVERNMENT PRIOR TO FINAL DECISION.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. RIGHT OF PARTICIPATION. The public shall have the right to expect governmental agencies to afford every feasible opportunity for citizen participation in the operation of the government prior to final decision. The legislature shall provide by law points of access and institutional structures to maximize such a right."

INTRODUCED BY: /s/ Donald R. Foster

/s/ George H. James

/s/ Noel D. Furlong

/s/ Mae Nan Robinson

/s/ Bob Campbell

/s/ Lyle R. Monroe

/s/ Jerome T. Icendorf

/s/ Dorothy Eck

/s/ Veronica Sullivan

/s/ Don Rebal

/s/ Jerome J. Cate

DELEGATE PROPOSAL
No. 39 - Wage Commission

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 39

DATE INTRODUCED: JAN. 27, 1972

Referred to Public Health, Welfare and Labor Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING FOR A WAGE COMMISSION.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. There shall be a wage commission consisting of nine (9) members; three (3) members appointed by the Governor, three (3) members appointed by the Legislature, and three (3) members appointed by the Supreme Court. Ten (10) days after the beginning of each legislative session, the commission shall submit to the legislature a salary schedule for elected officials in the executive, judicial and legislative branches of state government. The legislature may amend the salary schedule during its regular session by majority vote. Upon adjournment sine die of each session, the proposed salary schedule and amendments thereto shall become law and all salaries set thereby shall be adjusted to conform to the schedule as of the first day of the month following adjournment."

INTRODUCED BY: /s/ Jerome J. Cate

/s/ Arlyne Reichert

/s/ Mae Nan Robinson

/s/ George Harper

/s/ John H. Leuthold

/s/ Carman Skari

/s/ Torrey Johnson

/s/ Jerome T. Icendorf

/s/ Magnus Aasheim

/s/ Richard P. Roeder

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 40

DATE INTRODUCED: JAN. 27, 1972

Referred to Local Government Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL ARTICLE ON LOCAL GOVERNMENT.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Article to provide as follows:

"ARTICLE ___

LOCAL GOVERNMENT

Section 1. PURPOSE AND CONSTRUCTION. The purpose of this article is to provide for maximum local self-government and intergovernmental cooperation. Units of local government shall have the powers and privileges granted to them by this constitution, all of which shall be liberally construed in favor of units of local government.

Section 2. DEFINITION. As used in this and other articles of this constitution, the term unit of local government shall mean any public entity organized in the manner prescribed by law, with boundaries in some defined portion of the state and with officials who are elected by voters residing within such boundaries or who are appointed by officials so elected. A unit of local government shall include counties, cities, towns, or other civil divisions, or any of these units functioning in a consolidated organization.

Section 3. ORGANIZATION OF LOCAL GOVERNMENT. The legislature shall provide by general law for the government of counties, cities, towns, and other civil divisions and for methods and procedures of incorporating, merging, consolidating, and dissolving such units of local government and of altering their boundaries, including provisions:

(1) For such classification of units of local government as may be necessary on the basis of population or on any other

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reasonable basis related to the purpose of the classification;

(2) For optional plans of municipal organization and government so as to enable a county or city to adopt or abandon an authorized optional charter by a majority vote of the qualified voters voting thereon;

(3) For procedures by which a county or a city may prepare an alternative plan of municipal organization and government to be adopted or amended by a majority vote of the qualified voters of the city or county voting thereon.

(4) For procedures by which a county, city, and town, or counties and cities and towns may prepare an alternative form of consolidated municipal government to be adopted or amended by a majority vote of the qualified voters of the jurisdictions affected.

Section 4. POWERS OF UNITS OF LOCAL GOVERNMENT. A unit of local government may exercise any legislative power or perform any function which is not denied to it by its charter, is not denied to units of local government generally or to its class of local government, and is within such limitations as the legislature shall establish by general law. This grant of powers to units of local government shall not include the power to enact private or civil law governing civil relationships except as incident to an exercise of an independent county or city power, nor shall it include power to define and provide for the punishment of a felony.

Section 5. INTERGOVERNMENTAL COOPERATION. Subject to any limitation which the legislature may make by statute, the state, or any one or more of its units of local government, may exercise any of their respective powers, or perform any of their respective functions and may participate in the financing thereof jointly or in cooperation with any one or more units of local government within this state or with other states, or units of local government of other states, or with the United States."

INTRODUCED BY: /s/ Felt

/s/ Drum

/s/ Virginia H. Blend

/s/ M. Lynn Sparks

/s/ Oscar L. Anderson

/s/ George W. Collins

/s/ R. J. Studer

/s/ Pen Berg

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 41

DATE INTRODUCED: JAN. 27, 1972

Referred to Education and Public Lands Committee

A PROPOSAL FOR TWO NEW CONSTITUTIONAL SECTIONS WHICH WILL RETAIN THE PROVISIONS OF THE PRESENT CONSTITUTION RELATING TO APPROPRIATIONS FOR CHARITABLE PURPOSES AND AID TO NONPUBLIC SCHOOLS.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. No appropriation shall be made for charitable, industrial, educational or benevolent purposes to any person, corporation or community not under the absolute control of the state, nor to any denominational or sectarian institution or association."

Section 2. There shall be a new Constitutional Section to provide as follows:

"Section ___. Neither the legislative assembly, nor any county, city, town, or school district or other public corporations, shall ever make directly or indirectly, any appropriation, or pay from any public fund or moneys whatever, or make any grant of lands or other property in aid of any church, or for any sectarian purpose, or to aid in the support of any school, academy, seminary, college, university, or other literary, scientific institution, controlled in whole or in part by any church, sect or denomination whatever."

INTRODUCED BY: /s/ John H. Leuthold

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 42

DATE INTRODUCED: JAN. 27, 1972

Referred to General Government and Constitutional Amendment Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING FOR INITIATIVE, REFERENDUM AND RECALL POWERS FOR LOCAL GOVERNMENT.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. The legislature shall provide for recall of local elected officials and for the exercise of the initiative and referendum powers by the voters of subdivisions of the state."

INTRODUCED BY: /s/ Virginia H. Blend

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 43

DATE INTRODUCED: JAN. 27, 1972

Referred to Education and Public Lands Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING FOR EQUALITY OF EDUCATIONAL OPPORTUNITY.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. Equality of educational opportunity shall be guaranteed to each person of the state. The legislature shall provide for the establishment of programs necessary to develop the full educational potential of each person."

INTRODUCED BY: /s/ Richard J. Champoux

/s/ Bob Campbell

/s/ D. A. Scanlin

/s/ Jerome J. Cate

DELEGATE PROPOSAL
No. 44 - Judicial Article

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 44

DATE INTRODUCED: JAN. 27, 1972

Referred to Judiciary Committee

A PROPOSAL FOR A NEW JUDICIAL ARTICLE.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Article to provide as follows:

"ARTICLE ___

THE JUDICIARY

Section 1. The judicial power of the state shall be vested in a supreme court, in district courts and such other courts as may be provided by law; except that the legislature shall provide for impeachment proceedings in accordance with the provisions of this constitution.

Section 2. The supreme court shall have appellate jurisdiction and general supervisory control over all other courts with the power to make rules and regulations not inconsistent with state law.

Section 3. The appellate jurisdiction of the Supreme Court shall extend to all cases at law and in equity, subject, however, to such limitations and regulations as may be prescribed by law. Said court shall have power in its discretion to issue and to hear and determine writs of habeas corpus, mandamus, quo warranto, certiorari, prohibition, injunction, supervisory control and such other original and remedial writs as may be necessary or proper to the complete exercise of its appellate jurisdiction. Each of the justices of the Supreme Court shall have power to issue writs of habeas corpus to any part of the state, upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before the Supreme Court, and such writs may be heard and determined by the court.

Section 4. The Supreme Court shall consist of a chief jus-

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tice and four associate justices, a majority of whom shall be necessary to form a quorum or pronounce a decision. The legislative assembly shall have the power to increase the number of associate justices. District judges may be substituted for any justice in any cause, and any decisions or opinion of the district judge shall have the same force and effect as if regularly participated in by a justice of the supreme court. The Chief Justice shall preside at all sessions of the Supreme Court. In his absence, he shall appoint an associate justice to preside in his stead.

Section 5. The district courts shall have original jurisdiction of all justiciable matters, both civil and criminal, including jurisdictions to issue original and remedial writs, which may be issued and served on legal holidays and nonjudicial days. Process of district courts shall extend to all parts of the state. Jurisdiction to review administrative actions shall be provided by law. There shall be the power of naturalization, and to issue papers therefor, in all cases where they are authorized to do so by the laws of the United States.

Section 6. The legislative assembly shall divide the state into judicial districts and provide for the number of judges in each judicial district. The legislative assembly shall have the power to change the number of judicial districts or their boundaries and the number of judges in each district.

Section 7. The justices of the supreme court and all other judges or magistrates shall have such qualifications, and shall be selected or appointed, and shall serve or be removed, in such manner and under such conditions as the legislative assembly shall provide by law. All vacancies for chief justice and associate justice of the supreme court and district court judge shall be filled by appointment by the Governor in such manner as the legislative assembly may provide by law."

INTRODUCED BY: /s/ Jerome T. Leendorf

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 45

DATE INTRODUCED: JAN. 27, 1972

Referred to Bill of Rights and Public Health, Welfare, Labor & Industry Committees

III, 3

A PROPOSAL AMENDING ARTICLE III, SECTION 3 OF THE CONSTITUTION OF THE STATE OF MONTANA RECOGNIZING THE RIGHT TO BASIC NECESSITIES.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. Article III, Section 3 of the present Constitution is amended to read as follows:

"Sec. 3. All persons are born equally free, and have certain natural, essential, and inalienable rights, among which ~~may be--reckoned~~ are the right of enjoying and defending their lives and liberties, the right to the basic necessities of life including the right to adequate nourishment, housing, and medical care, of acquiring, possessing, and protecting property, and of seeking and obtaining their safety and happiness in all lawful ways."

INTRODUCED BY: /s/ Lyle R. Monroe

/s/ Richard P. Roeder

/s/ Harold Arbanas

/s/ Bob Campbell

/s/ Lucile Speer

/s/ Dorothy Eck

/s/ Virginia H. Blend

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 46

DATE INTRODUCED: JAN. 27, 1972

Referred to Education & Revenue & Finance Committees

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING FOR THE FINANCING OF THE PUBLIC SCHOOL SYSTEM.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. PUBLIC SCHOOL FINANCING. The state shall assume all financial responsibility for public free schools."

INTRODUCED BY: /s/ Mike McKeon

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 47

DATE INTRODUCED: JAN. 28, 1972

Referred to General Government and Constitutional Amendment Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING FOR THREE TYPES OF ELECTIONS.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. There shall be three types of elections: general, nonpartisan and special. The general election shall be held to coincide with national elections and shall be for all partisan offices as elsewhere designated and for referendum and other measures assigned by the legislature. The nonpartisan election shall be held on the first Saturday in April and shall be for all offices elected on a nonpartisan basis and for all school elections. Special elections shall be held as called by the legislature. The subject matter herein assigned to one type of election shall not be otherwise assigned to any other type of election."

INTRODUCED BY: /s/ Marjorie Cain

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 48

DATE INTRODUCED: JAN. 28, 1972

Referred to Natural Resources and Agriculture Committee

A PROPOSAL FOR TWO NEW CONSTITUTIONAL SECTIONS PROVIDING FOR WATER RIGHTS.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be two new Constitutional Sections to provide as follows:

"Section ___. All surface and subsurface water shall forever remain the property of the people of Montana and subject to appropriation for beneficial uses as provided by law.

Section ___. Priority of appropriation for beneficial uses shall give the better right. No appropriation shall be denied except when such denial is demanded by the public interests."

INTRODUCED BY: /s/ Mark Etchart

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 49

DATE INTRODUCED: JAN. 28, 1972

Referred to Education and Public Lands Committee

XI, 5

A PROPOSAL AMENDING ARTICLE XI, SECTION 5 OF THE CONSTITUTION OF THE STATE OF MONTANA PROVIDING FOR APPORTIONMENT OF SCHOOL FUNDS.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. Article XI, Section 5 of the present Constitution is amended to read as follows:

"Sec. 5. Ninety-five percentum (95%) of all the interest received on the school funds of the state, and ninety-five percentum (95%) of all rents received from the leasing of school lands and of all other income from the public school funds shall be apportioned annually to the several public elementary and secondary school districts of the state as the legislature may direct. ~~in proportion to the number of children and youths between the ages of six (6) and twenty one (21) residing therein respectively, but no district shall be entitled to such distributive share that does not maintain a public free school for at least six months during the year for which such distribution is made.~~ The remaining five percentum (5%) of all the interest received on the school funds of the state, and the remaining five percentum (5%) of all the rents received from the leasing of school lands and of all other income from the public school funds, shall annually be added to the public school funds of the state and become and forever remain an inseparable and inviolable part thereof."

INTRODUCED BY: /s/ Chet Blaylock

/s/ D. A. Scanlin

/s/ George H. James

/s/ Lyle R. Monroe

/s/ Paul K. Harlow

/s/ Don E. Belcher

/s/ Noel D. Furlong

/s/ Lloyd Barnard

/s/ Leslie Eskildsen

/s/ Magnus Aasheim

DELEGATE PROPOSAL
No. 50 - Equal Protection

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 50

DATE INTRODUCED: JAN. 28, 1972

Referred to Bill of Rights Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION GUARANTEEING THE EQUAL PROTECTION OF THE LAWS.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. The equal protection of the laws shall not be denied or abridged by the state or its units of local government on account of race, color, creed, national ancestry or sex."

INTRODUCED BY: /s/ Bob Campbell

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 51

DATE INTRODUCED: JAN. 28, 1972

Referred to Bill of Rights Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROHIBITING DISCRIMINATION IN EMPLOYMENT AND THE SALE OR RENTAL OF PROPERTY ON THE BASIS OF RACE, COLOR, CREED, NATIONAL ANCESTRY OR SEX.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. All persons shall have the right to be free from discrimination on the basis of race, color, creed, national ancestry or sex in the hiring and promotion practices of any employer or in the sale or rental of property.

These rights are enforceable without action by the legislature but the legislature may provide additional remedies for their violation.

INTRODUCED BY: /s/ Bob Campbell

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 52

DATE INTRODUCED: JAN. 28, 1972

Referred to General Government and Constitutional Amendment Committee

XIX, 8

A PROPOSAL AMENDING ARTICLE XIX, SECTION 8 OF THE CONSTITUTION OF THE STATE OF MONTANA TO PERMIT FUTURE CONSTITUTIONAL CONVENTION DELEGATES TO BE ELECTED ON A NON-PARTISAN BASIS.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. Article XIX, Section 8 of the present Constitution is amended to read as follows:

"Sec. 8. The legislative assembly may at any time, by a vote of two-thirds of the members elected to each house, submit to the electors of the state the question whether there shall be a convention to revise, alter, or amend this constitution; and if a majority of those voting on the question shall declare in favor of such convention, the legislative assembly shall at its next session provide for the calling thereof. The number of members of the convention shall be the same as that of the house of representatives, and they shall be elected ~~in the same manner~~ at the same places, and in the same districts, but on a non-partisan basis. The legislative assembly shall in the act calling the convention designate the day, hour and place of its meeting, fix the pay of its members and officers, and provide for the payment of the same, together with the necessary expenses of the convention. Before proceeding, the members shall take an oath to support the constitution of the United States and of the state of Montana, and to faithfully discharge their duties as members of the convention. The qualifications of members shall be the same as of the members of the senate, and vacancies occurring shall be filled in the manner provided for filling vacancies in the legislative assembly. Said convention shall meet within three months after such election and prepare such revisions, alterations or amendments to the constitution as may be deemed necessary, which shall be submitted to the electors for their ratification or

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rejection at an election appointed by the convention for that purpose, not less than two nor more than six months after the adjournment thereof; and unless so submitted and approved by a majority of the electors voting at the election, no such revision, alteration or amendment shall take effect."

INTRODUCED BY: /s/ Margaret S. Warden

/s/ Carl M. Davis

/s/ Douglas Delaney

/s/ George W. Rollins

/s/ Harold Arbanas

/s/ Clark E. Simon

/s/ Charles H. Mahoney

/s/ Virginia H. Blend

/s/ Fred J. Martin

/s/ Maurice Driscoll

/s/ J. C. Garlington

/s/ Chet Playlock

/s/ D. A. Scanlin

DELEGATE PROPOSAL
No. 53 - Elections

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NUMBER 53

DATE INTRODUCED: JAN. 28, 1972

Referred to Judiciary Committee

VIII, 20

A PROPOSAL AMENDING ARTICLE VIII, SECTION 20 OF THE CONSTITUTION OF THE STATE OF MONTANA.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. Article VIII, Section 20 of the present Constitution is amended to read as follows:

"Sec. 20. There shall be elected in ~~each organized township of~~ each county ~~by the electors of such township~~ at least two justices of the peace, with qualifications, training, and monthly compensation as provided by law, who shall hold their offices, ~~except as otherwise provided in this constitution,~~ for the term of ~~two~~ four (4) years. Justices courts shall have such original jurisdiction within their respective counties as may be prescribed by law, except as in this constitution otherwise provided; provided, that they shall not have jurisdiction in any case where the debt, damage, claim or value of the property involved exceeds the sum of ~~three hundred dollars~~ one thousand dollars ($1,000). The legislature may provide for additional justices of the peace in each county or other types of courts below the district court level as is deemed necessary.

INTRODUCED BY: /s/ Thomas M. Ask

/s/ Carl M. Davis

/s/ Douglas Delaney

/s/ John H. Anderson Jr.

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 54

DATE INTRODUCED: JAN. 28, 1972

Referred to Local Government Committee

XIX, 6

A PROPOSAL REPEALING ARTICLE XIX, SECTION 6, OF THE CONSTITUTION OF THE STATE OF MONTANA.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. Article XIX, Section 6 of the present Constitution, which reads as follows, is repealed:

~~"Sec. 6. All county officers shall keep their offices at the county seats of their respective counties."~~

INTRODUCED BY: /s/ George W. Rollins

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 55

DATE INTRODUCED: JAN. 28, 1972

Referred to Bill of Rights Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING FOR COMPENSATION FOR VICTIMS OF CRIME.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. RIGHTS OF VICTIMS OF CRIME. Victims of crimes shall be compensated by the state for the reasonable value of all injury proven to be the proximate result of the crime."

INTRODUCED BY: /s/ Jerome J. Cate

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 56

DATE INTRODUCED: JAN. 28, 1972

Referred to Local Government Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL ARTICLE ON LOCAL GOVERNMENT.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Article to provide as follows:

"ARTICLE ____

LOCAL GOVERNMENT

Section 1. PURPOSE AND CONSTRUCTION. The purpose of this article is to provide for maximum local self-government with a minimum of local government units, and to prevent duplication of tax-levying jurisdictions. A liberal construction shall be given to the powers of local government units.

Section 2. POLITICAL SUBDIVISIONS. All local government powers shall be vested in the political subdivisions of the state. These shall include, but shall not be limited to, cities and counties. Each political subdivision shall have the power to frame and adopt a charter for its own self-government within limits and under procedures provided by law.

Section 3. CLASSIFICATION. The legislative assembly shall classify the political subdivisions of the state. Such political subdivisions shall have those powers and functions provided by charter or law, allowing for maximum local participation and responsibility.

Section 4. HOME RULE CHARTERS. The qualified voters in any political subdivision of the first class may adopt, amend, or repeal a home rule charter in a manner provided by law. The legislative assembly may extend home rule to other political subdivisions.

Section 5. HOME RULE POWER. A home rule unit may exercise all legislative powers not prohibited by law or charter.

Section 6. INTERGOVERNMENTAL COOPERATION. (1) Regardless of home rule classification, agreements, including those for cooperation and joint administration, and for transfer of functions between local subdivisions, local subdivisions and the state, or local subdivisions and the United States, may be consummated except where prohibited by law or charter.

(2) The state shall encourage intergovernmental cooperation, and shall provide for methods by which its political subdivisions may annex, consolidate, or change their form of government. A state agency on local affairs may be created by the legislative assembly to coordinate, advise and assist the various political subdivisions.

Section 7. TAXATION. The political subdivisions of the state shall have the power to tax, improve through special assessments, and to incur indebtedness, as provided by law.

Section 8. SPECIAL ACTS. Special acts of the legislature shall not be effective upon any particular subdivision of the state unless approved by a majority of the qualified electorate voting therein."

INTRODUCED BY: /s/ Marian S. Erdmann

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 57

DATE INTRODUCED: JAN. 28, 1972

Referred to Bill of Rights Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING FOR CITIZENS RIGHTS OF ACCESS TO GOVERNMENT DOCUMENTS AND PROCEDURES.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. No person shall be deprived of the right to examine documents or to observe the actions and deliberations of all public officials or agencies of state government and its subdivisions, except in cases in which the demand of individual privacy exceeds the merits of public disclosure."

INTRODUCED BY: /s/ Dorothy Eck

/s/ Donald Foster

/s/ Lyle R. Monroe

/s/ Marshall Murray

/s/ Bob Campbell

/s/ George B. James

/s/ Paul K. Harlow

/s/ Jean Bowman

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 58

DATE INTRODUCED: JAN. 28, 1972

Referred to General Government and Constitutional Amendment Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING FOR PERIODICALLY PRESENTING THE QUESTION OF A CONSTITUTIONAL CONVENTION TO THE VOTERS.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. The legislature may at any time call a constitutional convention or submit the question of the calling to the voters. If a constitutional convention has not been called or the question submitted to the voters of the state for a period of twenty (20) years, the Secretary of State shall certify the question, "Shall there be a convention for the purpose of revising the state constitution?" to the voters of the state at the next general election. A convention shall convene before the expiration of two (2) years after a majority of the voters have voted to call a convention."

INTRODUCED BY: /s/ Gene Harbaugh

/s/ Rod Hanson

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 59

DATE INTRODUCED: JAN. 28, 1972

Referred to Bill of Rights Committee

A PROPOSAL FOR A NEW PREAMBLE TO THE CONSTITUTION OF THE STATE OF MONTANA.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA.

Section 1. There shall be a Preamble in the new Constitution to read as follows:

"PREAMBLE

We, the People of Montana, instilled with the Spirit of our Creator, gathering our strength from the grandeur of our mountains and the richness of our rolling grasslands, with a reverence for the quiet beauty of our state, with the desire to live in peace, in order to improve the quality of life and equality of opportunity for this and succeeding generations, do hereby ordain and establish this Constitution."

INTRODUCED BY: /s/ Bob Campbell and Mae Nan Robinson

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 60

DATE INTRODUCED: JAN. 29, 1972

Referred to Local Government Committee

XVI, 8

A PROPOSAL AMENDING ARTICLE XVI, SECTION 8 OF THE CONSTITUTION OF THE STATE OF MONTANA TO PROVIDE THAT COUNTIES NOW IN EXISTENCE MAY NOT BE ABOLISHED WITHOUT A VOTE OF THE PEOPLE.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. Article XVI, Section 8 of the present Constitution is amended to read as follows:

"Sec. 8. Any county or counties in existence on the first day of January, ~~1935~~ 1972, under the laws of the state of Montana ~~or which may thereafter be created or established thereunder~~ shall not be abandoned, abolished and/or consolidated either in whole or in part or at all with any other county or counties except by a majority vote of the duly qualified electors in each county proposed to be abandoned, abolished and/or consolidated with any other county or counties expressed at a general or special election held under the laws of said state."

INTRODUCED BY: /s/ Rod Hanson

/s/ Otto T. Habedank /s/ Fry Gysler

/s/ Margaret S. Warden /s/ Gene Harbaugh

/s/ J. K. Ward, Dr.

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 61

DATE INTRODUCED: JAN. 29, 1972

Referred to Bill of Rights Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING FOR EQUAL PROTECTION OF THE LAW.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. The dignity of the human being is inviolable. No person shall be denied the equal protection of the law, nor be discriminated against in the exercise of his civil or political rights or in the choice of housing or conditions of employment on account of race, color, sex, birth, social origin or condition, or political or religious ideas, by any person, firm, corporation, or institution; or by the state or any agency or subdivision of the state."

INTRODUCED BY: /s/ Richard J. Champoux

/s/ William A. Burkhardt

/s/ J. Mason Melvin

/s/ Marshall Murray

/s/ Jerome J. Cate

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 62

DATE INTRODUCED: JAN. 29, 1972

Referred to General Government and Constitutional Amendment Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL ARTICLE CREATING A REAPPORTIONMENT AND BOUNDARY COMMISSION.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Article to provide as follows:

"ARTICLE ____

REAPPORTIONMENT AND BOUNDARY COMMISSION

Section 1. COMMISSION. There is created a reapportionment and boundary commission, the Governor and the majority and minority leaders of the senate and the speaker and minority leader of the house each shall appoint one (1) member to the commission. Terms and compensation of the members shall be fixed by law.

Section 2. REAPPORTIONMENT. It shall be the duty of the commission after each United States census to prepare a plan of redistricting and reapportionment of the legislative assembly on the basis of equal representation. The plan will become effective sixty (60) calendar days after its submission to the legislative assembly unless rejected by a majority vote of the total membership of the legislative assembly.

Section 3. PRECINCTS. It is the duty of the commission after each United States census to redraw the boundaries of election precincts throughout the state so as to achieve equal representation. Such plan is effective sixty (60) calendar days after its submission to the legislative assembly unless rejected by a majority of the total membership of the legislative assembly.

Section 4. REJECTION. When the legislative assembly initially rejects either the legislative reapportionment or precinct

plans provided for in sections 2 and 3 of this article, it shall have an additional thirty (30) days to adopt an alternative plan or plans. Failure to adopt such an alternative shall result in the original plan of the commission becoming law.

Section 5. BOUNDARIES. The commission shall be empowered to examine the boundaries of all local government units and to make recommendations to the legislative assembly regarding any changes which would improve governmental services.

Section 6. OTHER DISTRICTS. The commission shall be empowered to examine the boundaries of congressional and judicial districts, and any other districts referred to it by the legislature, and make recommendations to the legislature regarding changes in the boundaries of such districts."

INTRODUCED BY: /s/ Mrs. Thomas "Katie" Payne

/s/ Mae Nan Robinson

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 63

DATE INTRODUCED: JAN. 29, 1972

Referred to Legislative Committee

V, 44

A PROPOSAL AMENDING ARTICLE V, SECTION 44 OF THE CONSTITUTION OF THE STATE OF MONTANA PROVIDING FOR LEGISLATIVE FINANCIAL DISCLOSURE.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. Article V, Section 44 of the present Constitution is amended to read as follows:

"Sec. 44. ~~A member who has a personal or private interest in any measure or bill proposed or pending before the legislative assembly, shall disclose the fact to the house of which he is a member, and shall not vote thereon.~~ Members of the legislative assembly shall file with the Secretary of State a disclosure report of their financial interests and sources of income. The report shall be open for public inspection. The legislative assembly may extend the provisions of this section to other members of state government."

INTRODUCED BY: /s/ Robert Vermillion

/s/ Lyle R. Monroe

/s/ J. K. Ward, Dr.

/s/ D. A. Scanlin

/s/ George B. Heliker

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 64

DATE INTRODUCED: JAN. 29, 1972

Referred to General Government and Constitutional Amendment Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING FOR A MAXIMUM INTEREST RATE OF TWELVE PERCENT.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. Interest on debts or obligations of any nature may never exceed an annual rate of twelve percent (12%)."

INTRODUCED BY: /s/ Jerome J. Cate

/s/ Bob Campbell

/s/ Mae Nan Robinson

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 65

DATE INTRODUCED: JAN. 29, 1972

Referred to Bill of Rights Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION RECOGNIZING RIGHTS OF A PERSON UNDER THE AGE OF MAJORITY.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. Those under the age of majority are persons. Such persons have the right to that emotional, social, physical, educational, and moral environment necessary to attain their full potential. In accordance with this statement of principle, the rights of persons under the age of majority shall include, but not be limited to, all the fundamental rights of a Montana person, except where specifically precluded by law and the demands of a proper parent-child relationship."

INTRODUCED BY: /s/ Lyle R. Monroe

/s/ Dorothy Eck

/s/ Virginia H. Blend

/s/ Harold Arbanas

/s/ Robert J. Vermillion

/s/ Frank Arness

/s/ Arlyne Reichert

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 66

DATE INTRODUCED: JAN. 29, 1972

Referred to Revenue and Finance Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION AUTHORIZING THE LEGISLATURE TO PROVIDE FOR EXCISE TAXES IN LIEU OF PERSONAL PROPERTY TAXES ON MOTOR VEHICLES, AIRPLANES, BOATS, TRAILERS AND SIMILAR PROPERTY.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. The legislative assembly may exempt from property taxation any motor vehicles, airplanes, boats, trailers or similar property, and provide for an excise tax in lieu thereof, the proceeds of which are distributed proportionately to the taxing districts otherwise entitled to impose personal property taxes thereon."

INTRODUCED BY: /s/ John M. Schiltz

/s/ Jerome T. Loendorf

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 67

DATE INTRODUCED: JAN. 29, 1972

Referred to Bill of Rights Committee

A PROPOSAL FOR A NEW PREAMBLE TO THE CONSTITUTION OF THE STATE OF MONTANA.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a Preamble in the new Constitution to read as follows:

"PREAMBLE

We, the People of Montana, grateful to the Spirit of Creation, mindful of our rich heritage, thankful for our rugged mountains and rolling plains, and desiring to secure the blessings of liberty for ourselves and future generations, do ordain and establish this Constitution."

INTRODUCED BY: /s/ Donald R. Foster

/s/ Lyle R. Monroe

/s/ Rachell K. Mansfield

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 68

DATE INTRODUCED: JAN. 29, 1972

Referred to Education and Public Lands Committee

XI, 1, 3, 5, 6, 7, 10, 12

A PROPOSAL TO AMEND ARTICLE XI, SECTIONS 1, 3, 5, AND 12 AND TO REPEAL SECTIONS 6, 7 AND 10 OF THAT ARTICLE TO PROVIDE FOR INVESTMENT OF PUBLIC SCHOOL FUNDS AS PROVIDED BY LAW.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. Article XI, Section 1 of the present Constitution is amended to read as follows:

"Sec. 1. ~~It shall be the duty of~~ The legislative assembly of Montana ~~to~~ shall establish and maintain a general, uniform, ~~and~~ thorough and equitable system of public, free, common schools open to all persons as provided by law."

Section 2. Article XI, Section 3 of the present Constitution is amended to read as follows:

"Sec. 3. ~~Such~~ The public school fund shall forever remain inviolate, guaranteed by the state against loss or diversion, to be invested~~, so far as possible, in public securities within the state, including school district bonds, issued for the erection of school buildings,~~ under the restrictions to be provided by law."

Section 3. Article XI, Section 5 of the present Constitution is amended to read as follows:

"Sec. 5. Ninety-five percentum (95%) of all the interest received on the school funds of the state, and ninety-five percentum (95%) of all rents received from the leasing of school lands and of all other income from the public school funds shall be equitably apportioned annually to the several school districts of the state ~~in proportion to the number of children and youths~~

~~between the ages of six (6) and twenty-one (21) residing therein respectively,~~ as provided by law, but no district shall be entitled to such distributive share that does not maintain a public free school for at least six months during the year for which such distribution is made. The remaining five percentum (5%) of all the interest received on the school funds of the state, and the remaining five percentum (5%) of all the rents received from the leasing of school lands and of all other income from the public school funds, shall annually be added to the public school funds of the state and become and forever remain an inseparable and inviolable part thereof."

Section 4. Article XI, Section 12 of the present Constitution is amended to read as follows:

"Sec. 12. The various funds of the state university system and of all other state institutions of learning, from whatever source accruing, shall forever remain inviolate and sacred to the purpose for which they were dedicated and shall be invested under regulations prescribed by law. ~~The various funds shall be respectively invested under such regulations as may be prescribed by law, and shall be guaranteed by the state against loss or diversion. The interest of said invested funds, together with the rents from leased lands or properties shall be devoted to the maintenance and perpetuation of these respective institutions.~~"

Section 5. Article XI, Section 6 of the present Constitution, which reads as follows, is repealed:

~~"Sec. 6. It shall be the duty of the legislative assembly to provide by taxation, or otherwise, sufficient means, in connection with the amount received from the general school fund, to maintain a public, free common school in each organized district in the state, for at least three months in each year."~~

Section 6. Article XI, Section 7 of the present Constitution which reads as follows, is repealed:

~~"Sec. 7. The public free schools of the state shall be open to all children and youth between the ages of six and twenty one years."~~

Section 7. Article XI, Section 10 of the present Constitution which reads as follows, is repealed:

~~"Sec. 10. The legislative assembly shall provide that all elections for school district officers shall be separate from those elections at which state or county officers are voted for."~~

INTRODUCED BY: /s/ Carl M. Davis

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 69

DATE INTRODUCED: JAN. 29, 1972

Referred to Judiciary Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION IN THE JUDICIAL ARTICLE TO PROVIDE FOR PROSECUTING ATTORNEYS.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section in the Judicial Article to provide as follows:

"ARTICLE ____

THE JUDICIARY

Section ___. There shall be elected throughout the state prosecuting attorneys whose jurisdiction and duties shall be prescribed by the legislature."

INTRODUCED BY: /s/ Carl M. Davis

/s/ Thomas M. Ask

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 70

DATE INTRODUCED: FEB. 1, 1972

Referred to Public Health, Welfare and Labor Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING FOR CONSUMER PROTECTION.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

Section ___. CONSUMER PROTECTION. The legislature shall provide by law for the protection and education of the citizens of the State against harmful and unfair business practices."

INTRODUCED BY: /s/ Lucile Speer

/s/ Lyle R. Monroe

/s/ Mae Nan Robinson

/s/ Daphne Pugbee

/s/ Arlyne Reichert

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 71

DATE INTRODUCED: FEB. 1, 1972

Referred to Public Health, Welfare and Labor Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING FOR A MERIT SYSTEM FOR STATE EMPLOYEES.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. MERIT SYSTEM. The legislature shall provide for the establishment and maintenance of a merit system in the civil service of the state. Appointments and promotions shall be based on merit and fitness, demonstrated by examination or other evidence of competence."

INTRODUCED BY: /s/ Lucile Speer

/s/ Jean Bowman

/s/ Daphne Bugbee

/s/ Arlyne Reichert

/s/ Mae Nan Robinson

/s/ Lyle R. Monroe

/s/ Dorothy Eck

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 72

DATE INTRODUCED: FEB. 1, 1972

Referred to Revenue and Finance Committee

XII, 3

A PROPOSAL REPEALING ARTICLE XII, SECTION 3, OF THE CONSTITUTION OF THE STATE OF MONTANA.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. Article XII, Section 3 of the present Constitution, which reads as follows, is repealed:

~~"Sec. 3. All mines and mining claims, both placer and rock in place, containing or bearing gold, silver, copper, lead, coal or other valuable mineral deposits, after purchase thereof from the United States, shall be taxed at the price paid the United States therefor, unless the surface ground, or some part thereof, of such mine or claim, is used for other mining purposes, and has a separate and independent value for such other purposes, in which case said surface ground, or any part thereof, so used for other than mining purposes, shall be taxed at its value for such other purposes, as provided by law, and all machinery used in mining, and all property and surface improvements upon or appurtenant to mines and mining claims which have a value separate and independent of such mines or mining claims, and the annual net proceeds of all mines and mining claims shall be taxed as provided by law."~~

INTRODUCED BY: /s/ Thomas M. Ask

/s/ Frank Arness

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 73

DATE INTRODUCED: FEB. 1, 1972

Referred to Public Health, Welfare and Labor Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING FOR THE RIGHT OF PUBLIC AND PRIVATE EMPLOYEES TO ENGAGE IN COLLECTIVE BARGAINING.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. COLLECTIVE BARGAINING. All persons in private or public employment shall have the right to organize for collective bargaining with their employers through representatives of their own choosing."

INTRODUCED BY: /s/ George B. Heliker

/s/ Daphne Pugtee

/s/ Chet Blaylock

/s/ Paul K. Harlow

/s/ Grace Bates

/s/ Lucile Speer

/s/ Jerome J. Cate

/s/ Joseph H. McCarvel

/s/ Miles Romney

/s/ Bob Campbell

/s/ Mae Nan Robinson

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 74

DATE INTRODUCED: FEB. 1, 1972

Referred to Education and Public Lands Committee

XI, 3

A PROPOSAL TO AMEND ARTICLE XI, SECTION 3 OF THE CONSTITUTION OF THE STATE OF MONTANA TO PERMIT THE PUBLIC SCHOOL FUND TO BE INVESTED AS PROVIDED BY LAW.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. Article XI, Section 3 of the present Constitution is amended to read as follows:

"Sec. 3. ~~Such~~ The public school fund shall forever remain inviolate, guaranteed ~~by the state~~ against loss or diversion, to be invested~~, so far as possible, in public securities within the state, including school district bonds, issued for the erection of school buildings,~~ under the restrictions to be provided by law."

INTRODUCED BY: /s/ Max Conover

/s/ John H. Leuthold

/s/ Marjorie Cain

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 75

DATE INTRODUCED: FEB. 1, 1972

Referred to Bill of Rights Committee

III, 14

A PROPOSAL AMENDING ARTICLE III, SECTION 14 OF THE CONSTITUTION OF THE STATE OF MONTANA PROVIDING COMPENSATION IN EMINENT DOMAIN PROCEEDINGS FOR USE IMPAIRMENT, PROVIDING COMPENSATION TO THE FULL EXTENT OF LOSS, AND PROVIDING JUDICIAL DETERMINATION OF THE ISSUES OF NECESSITY AND PUBLIC USE.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. Article III, Section 14 of the present Constitution is amended to read as follows:

"Section 14. EMINENT DOMAIN: Private property shall not be taken, ~~or~~ damaged, or the use thereof impaired, for public use without the prior payment of just compensation ~~having first been made to or paid into court for the owner~~ to the full extent of the loss. Prior to the condemnation of any such land, the individual shall have the right to a judicial determination as to whether the contemplated use is necessary and a public use."

INTRODUCED BY: /s/ Bob Campbell

/s/ Marshall Murray

/s/ George B. Heliker

/s/ George H. James

/s/ Lyle R. Monroe

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 76

DATE INTRODUCED: FEB. 1, 1972

Referred to Public Health, Welfare and Labor Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL ARTICLE PROVIDING FOR THE REGULATION OF PUBLIC UTILITIES.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Article to provide as follows:

"ARTICLE ____

REGULATION OF PUBLIC UTILITIES

Section 1. A public utilities commissioner shall be appointed by the Governor and confirmed by the senate after public hearings. A vacancy shall be filled in the same manner. The commissioner shall serve at the pleasure of the Governor.

Section 2. The commissioner shall have such jurisdiction and such legislative, executive and judicial powers as are conferred upon him by the legislature and this constitution, which are cognate and germane to the regulation of public utilities as defined by law and this constitution. In the exercise of such powers, one of which shall be the determination of rates and tariffs of the utilities over which he may be given jurisdiction, the commissioner shall not be required to consider any particular theories, evidence, or methods for determining such rates and tariffs; and the commissioner shall determine the weight and credibility of any evidence that is introduced. The manner and scope of review, if any, of the commissioner's actions in a court of record shall be provided by law.

Section 3. In the determination of rates and tariffs the commissioner shall be provided with expert staff personnel and help in such determination, and recommendations of the staff shall be regarded as impartial as opposed to the partiality of

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the applicant or the protestant. The commissioner shall protect the rights and interests of all consumers of public utility services.

Section 4. Private corporations and persons that own, operate, control or manage a line, plant, or system for the transportation of people or property, the transmission of messages or the furnishing of heat, light, water, power, or storage directly or indirectly to or for the public and common carriers are public utilities. The legislature may prescribe that additional classes of private corporations or persons are public utilities.

Section 5. No power to regulate any public utility in respect of rates, tariffs, service, finance, or any other aspect whatsoever of the management and operation of such enterprises as may be necessary or ancillary to the regulation of rates and tariffs thereof, shall be conferred on any other official or agency.

Section 6. The legislature shall provide by law for the organization and financing of public corporations for the furnishing of heat, light, water, and power; and, in the discretion of the legislature, any other services or commodities commonly produced or sold by the public utilities as defined by law or this constitution.

Section 7. Public utilities organized as public corporations or as cooperatives shall not be subject to the regulation of the commissioner as to rates, service or otherwise."

INTRODUCED BY: /s/ George E. Heliker

/s/ Chet Blaylock

/s/ Leslie Eskildsen

/s/ Henry Siderius

/s/ Paul K. Harlow

/s/ Jerome J. Cate

/s/ Lyle E. Monroe

/s/ Lloyd Barnard

/s/ Miles Romney

/s/ Robert Lee Kelleher

DELEGATE PROPOSAL
No. 77 - Executive Article

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 77

DATE INTRODUCED: FEB. 1, 1972

Referred to Executive Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL ARTICLE CREATING THE EXECUTIVE BRANCH OF GOVERNMENT.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Article to provide as follows:

"ARTICLE ___

THE EXECUTIVE

Section 1. The executive power of the state shall be vested in a Governor.

The Governor shall be elected by the qualified voters of this state at a general election. The person receiving the highest number of votes shall be the Governor. In case of a tie vote, the selection of the Governor shall be determined in accordance with law.

The term of office of the Governor shall begin at noon on the first Monday in December next following his election and end at noon on the first Monday in December, four years thereafter.

No person shall be eligible for the office of Governor unless he shall be a qualified voter, have attained the age of thirty years, and have been a resident of this state for five years immediately preceding his election.

The Governor shall not hold any other office of employment or profit under the state or the United States during his term of office.

Section 2. There shall be a lieutenant Governor, who shall have the same qualifications as the Governor. He shall be elected

at the same election, for the same term, and in the same manner, as the Governor; provided that the votes cast in the general election for the nominee for Governor shall be deemed cast for the nominee for lieutenant Governor of the same political party. He shall perform such duties as may be prescribed by law and as may be delegated to him by the Governor, but no power specifically vested in the Governor by this constitution shall be delegated to the lieutenant Governor pursuant to this section.

Section 3. The lieutenant Governor shall be president of the senate, but shall vote only when the senate is equally divided. In case of the absence or disqualification of the lieutenant Governor, the president pro tempore of the senate shall perform the duties of the lieutenant Governor until the vacancy is filled or the disability removed.

Section 4. The compensation of the Governor and the lieutenant Governor shall be prescribed by law and shall not be increased or diminished during a single term of office.

Section 5. In the event of the Governor's death, resignation or permanent removal from office, the office of Governor is vacant, and the lieutenant Governor shall succeed to the office of Governor for the remainder of the term, whereupon the office of lieutenant Governor is vacant.

When a vacancy occurs in the office of lieutenant Governor, the Governor shall nominate a lieutenant Governor who shall take office upon confirmation by the affirmative vote of a majority of all members of the legislative assembly in joint session.

If vacancies in the offices of Governor and lieutenant Governor exist at the same time, the legislative assembly shall convene forthwith, and the office of Governor shall be filled for the remainder of the term by the affirmative vote of a majority of all members of the legislative assembly in joint session. The person so chosen as Governor by the legislative assembly shall then nominate a person to succeed to the office of lieutenant Governor, upon confirmation by the affirmative vote of a majority of all members of the legislative assembly in the same joint session. The speaker of the house shall serve as acting Governor until the newly elected Governor has qualified.

When the lieutenant Governor succeeds to the office of Governor, he shall have the title, powers, and duties of the office of Governor; when the lieutenant Governor serves as acting Governor, he shall exercise only the powers and duties of the office of Governor.

Whenever the Governor transmits to the supreme court his written declaration that he is unable to perform the powers and duties of his office, and until he transmits to the supreme court a written declaration that he is able to resume the powers and

duties of his office, such powers and duties shall be performed by the lieutenant Governor as acting Governor.

The legislative assembly, by the affirmative vote of three-fifths of all its members in joint session, may adopt a resolution directing the supreme court to determine whether the Governor is unable by reason of physical or mental disability to perform the powers and duties of his office. If the supreme court determines by majority vote that the Governor is unable by reason of physical or mental disability to perform the powers and duties of his office, the lieutenant Governor shall serve as acting Governor; provided, that an advisory board composed by psychiatrists and physicians may be appointed by the supreme court to aid them in their determination.

Thereafter, when the Governor transmits to the supreme court his written declaration that no disability exists, he shall resume the powers and duties of his office unless the legislative assembly by three-fifths vote of all its members in joint session within four days challenges the ability of the Governor to resume the powers and duties of his office. Thereupon the supreme court shall decide the issue within twenty-one days.

If the Governor-elect is disqualified, resigns, or dies, the lieutenant Governor-elect shall become Governor for the full term. If the Governor-elect fails to assume office for any other reason, the lieutenant Governor-elect shall become lieutenant Governor and shall serve as acting Governor until the Governor-elect assumes office. The procedure for determination of the physical or mental disability, and of termination of the disability, of the Governor-elect shall be the same as that prescribed for determination of the physical or mental disability of the Governor.

In the event of the impeachment of the Governor or the lieutenant Governor, he shall not exercise the powers of his office until acquitted.

Section 6. The Governor shall be the commander-in-chief of the military forces of the state, except when these forces are in the actual service of the United States, and shall have power to call out any part of the whole of said forces to aid in the execution of the laws, to suppress insurrection or repel invasion.

Section 7. The Governor may proclaim martial law when the public safety requires it in case of rebellion or actual or imminent invasion. Martial law shall not continue for longer than twenty days without the approval of a majority of the members of the legislature in joint session.

Section 8. All executive and administrative offices, agencies and instrumentalities of the executive branch of the state

government and their respective functions, powers and duties, shall be allocated by law among and within not more than twenty principal departments. The head of each principal department shall be a single executive unless otherwise provided by law. The Governor with the consent of the senate shall appoint and remove the heads of all administrative departments. All other officers in the administrative service shall be appointed and may be removed as provided by law.

Each principal department shall be under the supervision of the Governor and its head shall serve at the pleasure of the Governor. If during a recess of the senate a vacancy occurs in any such office, the Governor shall appoint some fit person to discharge the duties thereof until the next meeting of the senate, when he shall nominate some person to fill such office. Only the Governor shall make interim appointments.

Section 9. The Governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders. Such orders shall be submitted to the legislature, which shall have sixty days of a regular session, or a full session if of shorter duration, to express its disapproval. Unless modified or disapproved by resolution concurred in by a majority of the members of both houses, the orders shall become effective at a date thereafter to be designated by the Governor.

Section 10. The Governor shall have the power to grant reprieves, commutations and pardons after conviction and may suspend and remit fines and forfeitures subject to such procedures as may be prescribed by law.

Section 11. The Governor shall at the beginning of each legislative session, and may at other times, give the legislature information and recommend measures he considers necessary. The Governor shall submit to the legislature at a time fixed by law a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state.

Section 12. Whenever the Governor considers it in the public interest, he may convene the legislature, either house, or the two houses in joint session. At the written request of two-thirds of the members to which each house is entitled, the presiding officers of both houses shall convene the legislature in special session.

Section 13. Every bill passed by the legislative assembly, except bills proposing amendments to the Montana Constitution and bills ratifying proposed amendments to the United States Constitution which may not be vetoed by the Governor, shall, before

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it becomes a law, be presented to the Governor. He shall either sign it, whereupon it shall become a law, or he shall return it with his objections to the house in which it originated, which house shall enter the objections at large upon its journal and proceed to reconsider the bill. If two-thirds of the members present agree to repass the same, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if repassed by two-thirds of the members present in that house it shall become a law notwithstanding the objections of the Governor. If any bill shall not be returned by the Governor within five days (Sunday excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the legislative assembly shall by their adjournment prevent its return. Within twenty-five days after the adjournment of the legislature, the Governor shall consider all bills not disposed of prior to adjournment. He shall either sign such bills into law; or if he fails to approve any bill, he shall return it with his objections to the presiding official of the house in which it originated. The legislature, as provided in Section 12, may reconvene itself to reconsider any bills so returned by the Governor.

The Governor, in returning with his objections a bill for reconsideration, may recommend that an amendment or amendments specified by him be made in the bill, and in such case the legislative assembly may amend and re-enact the bill. If a bill be so amended and re-enacted, it shall be presented again to the Governor, but shall become a law only if he shall sign it within ten days after presentation; and no bill shall be returned by the Governor a second time.

Section 14. The Governor may strike out or reduce items in appropriation bills passed by the legislature and the procedure in such cases shall be the same as in the case of the disapproval of an entire bill by the Governor."

INTRODUCED BY: /s/ Richard B. Roeder

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL 78

DATE INTRODUCED: FEB. 2, 1972

Referred to Public Health, Welfare and Labor Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING FOR EQUAL OPPORTUNITY FOR EMPLOYMENT.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. The right of persons to work shall not be denied or abridged on account of membership or nonmembership in any labor union or labor organization. The right of employees, by and through a labor organization, to bargain collectively shall not be denied or abridged. Public employees shall not have the right to strike."

INTRODUCED BY: /s/ R. J. Studer Sr.

/s/ Rachell K. Mansfield

/s/ A. W. Kamhoot

/s/ A. C. Wilson

/s/ Arnold W. Jacobsen

/s/ Torrey Johnson

/s/ Roger A. Wagner

DELEGATE PROPOSAL
No. 79 - Branches of Government

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 79

DATE INTRODUCED: FEB. 2, 1972

Referred to Local Government Committee

IV, 1

A PROPOSAL AMENDING ARTICLE IV, SECTION 1, OF THE CONSTITUTION OF THE STATE OF MONTANA PROVIDING FOR DISTRIBUTION OF GOVERNMENTAL POWERS TO SUBDIVISIONS OF THE STATE.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. Article IV, Section 1 of the present Constitution is amended to read as follows:

"Section 1. The powers of the government of this state and its subdivisions are divided into three distinct departments: The legislative, executive, and judicial, and no person or collection of persons charged with the exercise of powers properly belonging to one of these departments shall exercise any powers properly belonging to either of the others, except as in this constitution expressly directed or permitted.

INTRODUCED BY: /s/ C. B. McNeil

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 80

DATE INTRODUCED: FEB. 2, 1972

Referred to Revenue and Finance Committee

XII, 1b

A PROPOSAL AMENDING ARTICLE XII, 1b, OF THE CONSTITUTION OF THE STATE OF MONTANA RELATING TO HIGHWAY FEES AND LICENSE TAXES.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. Article XII, Section 1b of the present Constitution is amended to read as follows:

"Section 1b. ~~No--monies~~ Moneys paid into the state treasury which are derived from fees, ~~excise~~ highway or license taxes relating to registration, operation or use of vehicles on the public highways or to fuels used for the propulsion of such vehicles, except fees and charges paid to the board of railroad commissioners of the state of Montana and the public service commission of Montana or its successor or successors by motor carriers pursuant to law, shall be expended for ~~other than~~ the cost of administering laws under which such ~~monies~~ moneys are derived, including the operation of the Montana Highway Patrol, statutory refunds and adjustments provided therein, payment of highway obligations, cost of construction, reconstruction, maintenance and repair of public highways, roads, streets, and bridges, and ~~expenses~~ other expenditures authorized by the state legislature ~~for~~ relating to the public highways, roads, streets and bridges of the state of Montana and the use thereof, including the payment to municipalities of funds for the purposes of subsidizing mass transportation and the construction and creation of publicly owned parking lots, the diminution of air pollution resulting from the operation of motor vehicles as well as the disposal of abandoned motor vehicles, the dissemination of public information ~~relating to the public highways, roads, streets and bridges of the state of Montana and the use thereof~~, relative to these purposes and for any other purposes which arise directly from the use of motor vehicles in the state of Montana.

DELEGATE PROPOSAL
No. 80 - Taxation

The legislature shall enact suitable laws to provide for the implementation of this section."

INTRODUCED BY: /s/ Toole

/s/ Katie Payne
/s/ Arlyne Reichert
/s/ L. A. Scanlin
/s/ Mae Nan Robinson
/s/ John M. Schiltz
/s/ J. C. Garlington
/s/ Lucile Speer

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 81

DATE INTRODUCED: FEB. 2, 1972

Referred to Bill of Rights Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING FOR RELIGIOUS LIBERTY AND REPEALING ARTICLE III, SECTION 4, ARTICLE V, SECTION 35 AND ARTICLE XI, SECTION 8 OF THE PRESENT CONSTITUTION.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. The legislature shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

Section 2. Article V, Section 35 of the present Constitution, which reads as follows, is repealed:

~~"Sec. 35. No appropriation shall be made for charitable, industrial, educational or benevolent purposes to any person, corporation or community not under the absolute control of the state, nor to any denominational or sectarian institution or association."~~

Section 3. Article XI, Section 8 of the present Constitution, which reads as follows, is repealed:

~~"Sec. 8. Neither the legislative assembly, nor any county, city, town, or school district, or other public corporations, shall ever make directly or indirectly, any appropriation, or pay from any public fund or moneys whatever, or make any grant of lands or other property in aid of any church, or for any sectarian purpose, or to aid in the support of any school, academy, seminary, college, university, or other literary, scientific institution, controlled in whole or in part by any church, sect or denomination whatever."~~

Section 4. Article III, Section 4 of the present Constitu-

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tion, which reads as follows, is repealed:

~~"Sec. 4. The free exercise and enjoyment of religious profession and worship, without discrimination, shall forever hereafter be guaranteed, and no person shall be denied any civil or political right or privilege on account of his opinions concerning religion, but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, excuse acts of licentiousness, by bigamous or polygamous marriage, or otherwise, or justify practices inconsistent with the good order, peace, or safety of the state, or opposed to the civil authority thereof, or of the United States. No person shall be required to attend any place of worship or support any ministry, religious sect, or denomination, against his consent, nor shall any preference be given by law to any religious denomination or mode of worship."~~

INTRODUCED BY: /s/ Dan Harrington

/s/ Peter "Pete" Lorello

/s/ Joseph H. McCarvel

/s/ M. Lynn Sparks

/s/ Edith Van Buskirk

/s/ Mike McKeon

/s/ Thomas F. Joyce

/s/ Gene Harbaugh

/s/ Maurice Driscoll

/s/ Veronica Sullivan

/s/ Lyle R. Monroe

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 82

DATE INTRODUCED: FEB. 2, 1972

Referred to General Government and Constitutional Amendment Committee

A PROPOSAL FOR FIVE NEW CONSTITUTIONAL SECTIONS CONCERNING THE ELECTIVE PROCESS.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. All elections by the people shall be by secret ballot."

Section 2. There shall be a new Constitutional Section to provide as follows:

"Section ___. Any citizen of the United States who is eighteen (18) years of age or older, and meets the registration and residence requirements of the state and political subdivision is a qualified elector, except that no person who is serving a sentence for a felony in a penal institution or who is judged of unsound mind by a court may vote."

Section 3. There shall be a new Constitutional Section to provide as follows:

"Section ___. The legislature shall provide by law the requirements for residency, registration, absentee voting and administration of elections."

Section 4. There shall be a new Constitutional Section to provide as follows:

"Section ___. Any person qualified to vote at general elections and for state officers in this state, is eligible to any public office except as otherwise provided in this constitution and subject to any additional qualifications provided by the

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legislature."

Section 5. There shall be a new Constitutional Section to provide as follows:

"Section ___. In all elections held by the people under this constitution, the person or persons receiving the highest number of legal votes is elected."

INTRODUCED BY: /s/ Bruce M. Brown

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 83

DATE INTRODUCED: FEB. 2, 1972

Referred to Natural Resources and Agriculture Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING FOR ACQUISITION OF HISTORIC SITES.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. The legislature shall provide for the acquisition of scenic, historic, archeologic, scientific or recreational areas, sites or objects. The legislature may reserve such from the public domain and provide for their administration and preservation for the use, enjoyment and welfare of the people."

INTRODUCED BY: /s/ Arnold W. Jacobsen

/s/ Marian S. Erdmann
/s/ Richard J. Champeux
/s/ Chet Blaylock
/s/ John H. Toole
/s/ D. A. Scanlin
/s/ A. O. Wilson
/s/ Lyman W. Choate
/s/ R. S. Hanson
/s/ Torrey Johnson

/s/ George H. James
/s/ Margaret S. Warden
/s/ Wade J. Dahood
/s/ Lyle R. Monroe
/s/ Russell C. McDonough
/s/ A. W. Kamhoot
/s/ Henry Siderius
/s/ Edith Van Buskirk
/s/ Sterling Rygg

DELEGATE PROPOSAL
No. 83 - Historic Sites

/s/ James R. Felt

/s/ C. P. McNeil

/s/ Carman Skari

/s/ M. Lynn Sparks

/s/ Lucile Speer

/s/ Mae Nan Robinson

/s/ Cedor E. Aronow

/s/ J. Mason Melvin

/s/ Robert F. Woodmansey

/s/ Veronica Sullivan

/s/ Arlyne Reichert

/s/ Noel D. Furlong

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 84

DATE INTRODUCED: FEB. 2, 1972

Referred to General Government and Constitutional Amendment Committee

I, 1

A PROPOSAL REPEALING ARTICLE I, SECTION 1 OF THE CONSTITUTION OF THE STATE OF MONTANA.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. Article I, Section 1 of the present Constitution, which reads as follows, is repealed:

~~"Section 1. The boundaries of the state of Montana shall be as follows, to wit: Beginning at a point formed by the intersection of the twenty-seventh degree of longitude west from Washington with the forty-fifth degree of north latitude, thence due west on the forty-fifth degree of latitude to a point formed by its intersection with the thirty-fourth degree of longitude west from Washington, thence due south along the thirty-fourth degree of longitude, to a point formed by its intersection with the crest of the Rocky Mountains, thence following the crest of the Rocky Mountains northward to its intersection with the Bitter Root Mountains; thence northward along the crest of the Bitter Root Mountains, to its intersection with the thirty-ninth degree of longitude west from Washington; thence along the thirty-ninth degree of longitude northward to the boundary line of the British Possessions; thence eastward along that boundary line to the twenty-seventh degree of longitude west from Washington; thence southward along the twenty-seventh degree of longitude to the place of beginning."~~

INTRODUCED BY: /s/ Bruce M. Brown

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 85

DATE INTRODUCED: FEB. 2, 1972

Referred to Education and Public Lands Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL ARTICLE PROVIDING FOR THE MONTANA UNIVERSITY SYSTEM.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Article to provide as follows:

"ARTICLE____

MONTANA UNIVERSITY SYSTEM

Section 1. MONTANA UNIVERSITY SYSTEM DEFINED: BODIES CORPORATE. The Montana University System shall consist of the following units: University of Montana at Missoula, Montana State University at Bozeman, Montana College of Mineral Science and Technology at Butte, Western Montana College at Dillon, Eastern Montana College at Billings, and Northern Montana College at Havre. Each unit shall be a body corporate.

Section 2. BOARD OF REGENTS OF HIGHER EDUCATION. There shall be a Board of Regents of Higher Education, a body corporate, which shall have exclusive management and control of the Montana University System and of all other public institutions of post-secondary education.

Section 3. COMPOSITION OF BOARD. The Board of Regents of Higher Education shall consist of eight (8) members to be appointed by the Governor, from the qualified electorate, subject to the confirmation of the senate, under regulations to be provided by law. The Board shall appoint an executive secretary and fix his term of office and prescribe his duties.

Section 4. SUPPORT OF HIGHER EDUCATION: CONTROL OF FUNDS. The legislature shall make appropriations for the support of the

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institutions of higher education. The direction and control over the funds of, and appropriations to, the several institutions shall be vested in the Board of Regents of Higher Education."

INTRODUCED BY: /s/ George L. Rollins

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 86

DATE INTRODUCED: FEB. 2, 1972

Referred to Bill of Rights Committee

A PROPOSAL REPEALING THE PREAMBLE OF THE CONSTITUTION OF THE STATE OF MONTANA AND ADDING A NEW PREAMBLE.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. The Preamble of the present Constitution, which reads as follows, is repealed:

~~"We, the people of Montana, grateful to Almighty God for the blessings of liberty, in order to secure the advantages of a state government, do, in accordance with the provisions of the enabling act of congress, approved the twenty second of February, A.D. 1889, ordain and establish this constitution."~~

Section 2. There shall be a new Preamble to provide as follows:

"We, the people of the state of Montana, recognize the rights and duties of this state as a part of the federal system of government and reaffirm our adherence to the Constitution of the United States of America; and in order to assure to ourselves governmental power to act for the good order of our society and the liberty, health, safety, and welfare of our people, and the preservation and utilization of our resources, do ordain and establish this constitution."

INTRODUCED BY: /s/ George H. Rollins

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 87

DATE INTRODUCED: FEB. 2, 1972

Referred to Bill of Rights Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING FOR RIGHTS OF THOSE UNDER THE AGE OF MAJORITY.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. PERSONS UNDER AGE OF MAJORITY. The rights of persons under the age of majority shall include, but not be limited to, all the rights of a Montana person."

INTRODUCED BY: /s/ Donald E. Foster

/s/ Carman Skari

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 88

DATE INTRODUCED: FEB. 2, 1972

Referred to Bill of Rights Committee

III, 18

A PROPOSAL AMENDING ARTICLE III, Section 18 OF THE CONSTITUTION OF THE STATE OF MONTANA CONCERNING SELF-INCRIMINATION.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. Article III, Section 18 of the present Constitution is amended to read as follows:

"Sec. 18. No person shall be compelled to testify or furnish evidence of any nature against himself, in a criminal proceeding, nor shall any person be twice put in jeopardy for the same offense."

INTRODUCED BY: /s/ Jerome J. Cate

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 89

DATE INTRODUCED: FEB. 2, 1972

Referred to Local Government Committee

XVI, Sections 1, 2, 8.

A PROPOSAL REPEALING ARTICLE XVI, SECTIONS 1, 2 AND 8 OF THE CONSTITUTION OF THE STATE OF MONTANA AND COMBINING THE INTENT OF THOSE SECTIONS IN A NEW SECTION ON COUNTY BOUNDARIES AND COUNTY SEATS.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. Article XVI, Sections 1, 2 and 8 of the present Constitution, which read as follows, are repealed:

~~"Section 1. The several counties of the territory of Montana, as they shall exist at the time of the admission of the state into the Union, are hereby declared to be the counties of the state until otherwise established or changed by law."~~

~~"Section 2. The legislative assembly shall have no power to remove the county seat of any county, but the same shall be provided for by general law; and no county seat shall be removed unless a majority of the qualified electors of the county, at a general election on a proposition to remove the county seat, shall vote therefor; but no such proposition shall be submitted oftener than once in four years."~~

~~"Sec. 8. Any county or counties in existence on the first day of January, 1935, under the laws of the state of Montana or which may thereafter be created or established thereunder shall not be abandoned, abolished and/or consolidated either in whole or in part or at all with any other county or counties except by a majority vote of the duly qualified electors in each county proposed to be abandoned, abolished and/or consolidated with any other county or counties expressed at a general or special election held under the laws of said state."~~

Section 2. There shall be a new Constitutional Section to

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provide as follows:

"Section ___. COUNTIES. The counties of the state of Montana, as they exist at the time of the adoption of this Constitution, are declared to be the counties of the state. No county boundary shall be changed or county seat transferred until approved by a majority of the qualified electors of each county affected."

INTRODUCED BY: /s/ Oscar I. Anderson

/s/ Fred J. Martin

/s/ Thomas M. Ask

/s/ Leslie Eskildsen

/s/ Virginia H. Blend

/s/ Cedor B. Aronow

/s/ Clark E. Simon

/s/ Rod Hanson

/s/ J. Mason Melvin

/s/ Ben E. Berg

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 90

DATE INTRODUCED: FEB. 2, 1972

Referred to Judiciary Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PERMITTING THE LEGISLATURE TO PROVIDE FOR DISQUALIFICATION OF JUDGES.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. The legislature may provide for disqualification of judges at any one or all of the inferior, trial and appellate court levels."

INTRODUCED BY: /s/ Geoffrey L. Brazier

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 91

DATE INTRODUCED: FEB. 2, 1972

Referred to Education and Public Lands Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING EQUAL EDUCATIONAL OPPORTUNITY FOR ALL STUDENTS.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. The legislature shall establish a program of state taxation and a method of distributing funds for the support of free public schools to assure equal, quality educational opportunity for all students."

INTRODUCED BY: /s/ Marjorie Cain

/s/ Chet Blaylock

/s/ Gene Harbaugh

/s/ George H. James

/s/ Carl M. Davis

/s/ Bruce M. Brown

/s/ George Harper

/s/ Paul K. Harlow

/s/ Max Conover

/s/ Arlyne Reichert

/s/ Torrey Johnson

/s/ Lloyd Barnard

/s/ William A. Burkhardt

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 92

DATE INTRODUCED: FEB. 2, 1972

Referred to Judiciary Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL ARTICLE VESTING JUDICIAL POWERS IN A COURT OF APPEALS AND INFERIOR COURTS.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Article to provide as follows:

"ARTICLE ___

JUDICIARY

Section 1. COURT OF APPEALS. The judicial power of the state shall be vested in a Court of Appeals and in such inferior courts as the legislature shall establish.

Section 2. JURISDICTION. The Court of Appeals shall exercise appellate jurisdiction throughout the state and shall have general supervisory powers over inferior courts. In the exercise of its jurisdiction the court of appeals shall have the power to make rules in civil cases relating to procedure, subject, however, to provision of law. The legislature may prescribe the manner in which the power of the court is to be exercised insofar as necessary to insure reasonable and uniform exercise of the rule making power.

Section 3. COMPOSITION. The Court of Appeals shall consist of a chief judge and six associate judges, a majority of whom shall be necessary to form a quorum or pronounce a decision. The judges of the court of appeals shall be subject to the same provisions of law concerning disqualification as shall the judges of the inferior courts, and the legislature shall provide for substitution in the case of incapacity, removal or disqualification of one or more of the judges of the court of appeals.

Section 4. INFERIOR COURTS. The legislature shall establish

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such inferior courts as may be necessary and shall provide for the rules of practice, procedure, pleading, evidence, and administration of such courts.

Section 5. OPERATION. The tenure of judges and manner of their selection and judge's pay for all courts shall be provided by the legislature, which shall divide the state into such judicial divisions, districts and departments as may be necessary for the exercise by the inferior courts of their jurisdiction, except that no judge who shall be appointed to complete the unexpired term of any judge may thereafter be elected to judicial office. The qualifications of judges shall be such as may be determined by law, and procedures governing the removal of judges shall be such as may be fixed by law.

Section 6. IMPLEMENTATION. Each supreme court justice, municipal court judge, district court judge, police judge and justice of the peace in office on the effective date of this constitution shall hold office until the expiration of his term, but new courts and judicial office shall be created only in accordance with this constitution. Each court into which jurisdiction of other courts is transferred shall succeed to and assume jurisdiction of all causes then pending.

Section 7. ATTORNEY GENERAL. The chief judicial official of the state shall be the attorney general, who shall represent the state before the Court of Appeals and exercise such other powers and duties and be selected in such manner as the legislature may by law prescribe."

INTRODUCED BY: /s/ Franklin Arness

/s/ Virginia H. Blend

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 93

DATE INTRODUCED: FEB. 2, 1972

Referred to Public Health, Welfare and Labor Committee
Referred to Bill of Rights Committee

III, 3, 11

A PROPOSAL AMENDING ARTICLE III, SECTIONS 3 AND 11 OF THE CONSTITUTION OF THE STATE OF MONTANA AND ADDING A NEW SECTION TO THAT ARTICLE, THE BILL OF RIGHTS, TO PROVIDE FOR COLLECTIVE BARGAINING.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. Article III, Section 3 of the present Constitution is amended to read as follows:

"Sec. 3. All persons are born equally free, and have certain natural, essential, and inalienable rights, among which may be reckoned the right of enjoying and defending their lives and liberties, of acquiring, possessing, and protecting property, <u>of collective bargaining to achieve a fair and just return for what they produce,</u> and of seeking and obtaining their safety and happiness in all lawful ways."

Section 2. Article III, Section 11 of the present Constitution is amended to read as follows:

"Sec. 11. No ex post facto law nor law impairing the obligation of contracts, <u>including those arrived at by collective bargaining,</u> or making any irrevocable grant of special privileges, franchises, or immunities, shall be passed by the legislative assembly."

Section 3. There shall be a new Constitutional Section to provide as follows:

"Section ___. To attain a fair and just return for what a person produces is a property right. Citizens have the right to

associate themselves into a unit to execute collectively-bargained contracts."

INTRODUCED BY: /s/ Henry Siderius

/s/ Douglas Delaney

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 94

DATE INTRODUCED: FEB. 2, 1972

Referred to General Government and Constitutional Amendment Committee

A PROPOSAL FOR FOUR NEW CONSTITUTIONAL SECTIONS PROVIDING FOR CONSTITUTIONAL AMENDMENT.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. (1) The legislature, by an affirmative vote of two-thirds of all the members, may at any time submit to the electors of the state the question of whether there shall be an unlimited convention to revise, alter, or amend this constitution.

(2) The people may by initiative petition request the legislative assembly to submit to the voters of the state the question of whether there shall be an unlimited convention to revise, alter, or amend this constitution. The petition must be signed by at least ten percent (10%) of the legal voters of the state, and at least ten percent (10%) of the legal voters in two-fifths (2/5) of the legislative districts of the state. The number of votes cast for the Governor in the general election immediately preceding the filing of the petition shall determine the number of legal voters.

The petition shall be filed with the secretary of state, who shall certify the filing thereof to the legislative assembly and cause the question to be submitted to the voters at the general election immediately following the legislative session receiving notice of the filing of said petition.

(3) If the question of holding a convention is not otherwise submitted to the people at some time during any period of twenty years, it shall be submitted at the general election in the twentieth year following the last submission of such ques-

tion.

(4) The legislature, prior to a popular vote or the holding of a convention, shall provide for a preparatory commission to assemble information on constitutional questions, to assist the voters, and, if a convention is authorized, to be continued for the assistance of the delegates.

(5) If a majority of those voting on the question shall declare in favor of such convention, the legislative assembly shall at its next session provide for the calling thereof. The number of members of the convention shall be no greater than the largest body of the legislative assembly. The legislature may determine whether the delegates shall be elected after nomination by political parties, or on a non-partisan basis, but they shall be elected at the same places and in the same districts as the legislative body determining the number of delegates.

(6) The legislative assembly shall in the act calling the convention designate the day, hour and place of its members and officers, and provide for the payment of the same, together with the necessary expenses of the convention.

(7) Before proceedings, the members shall take the oath otherwise provided in this constitution. The qualifications of members shall be the same as the highest qualifications required for membership in the legislature. Vacancies occurring shall be filled in the manner provided for filling vacancies in the legislative assembly, or as otherwise provided by law.

(8) The convention shall meet within three months after the election and prepare such revisions, alterations or amendments to the constitution as may be deemed necessary which shall be submitted to the electors for their ratification or rejection as a whole or in separate articles or amendments as determined by the convention and at an election appointed by the convention for that purpose, or at the next general election, but not less than two (2) months after the adjournment thereof. Unless so submitted and approved by a majority of the electors voting thereon, no such revision, alteration or amendment shall take effect.

(9) Unless otherwise provided in the amendment, it becomes effective on the first day of July after the certification of the election returns by the secretary of state."

Section 2. There shall be a new Constitutional Section to provide as follows:

"Section ___. Amendments to this constitution may be proposed by any member of the legislative assembly. If adopted by an affirmative roll call vote of two-thirds (2/3) of all the members thereof, whether one or more bodies, the proposed amendment shall become a part of the constitution if approved by either of the

following procedures:

(1) The legislative assembly may refer the proposed amendment to the voters of the state of Montana to be voted on in the next general election held in the state. In such event the secretary of state shall cause the amendment or amendments to be published in full in at least one newspaper in each county in which a newspaper is published, twice each month for the two months previous to the next general election for members to the legislative assembly. If approved by a majority of the electors voting thereon, the amendment shall become a part of this constitution on the first day of July after certification of the election returns unless the amendment otherwise provides; or

(2) If the legislative assembly by a majority roll call vote, elects not to refer the amendment to the vote of the electors of Montana as provided in the preceding subsection (1) the amendment shall be presented to the next succeeding legislative assembly. If adopted by a two-thirds (2/3) vote of the members of such legislative assembly, the amendment shall become a part of this constitution on the first day of July following its approval unless a petition is filed with the Secretary of State signed by five percent (5%) of the legal voters of the state requesting such amendment be referred to a vote of the people as provided in this Constitution for referendum, in which event the amendment shall not become effective until the Secretary of State certifies its approval by a majority of those voting thereon."

Section 3. There shall be a new Constitutional Section to provide as follows:

"Section ___. Should more amendments than one (1) be submitted at the same election, they shall be so prepared and distinguished by numbers or otherwise that each can be voted upon separately."

Section 4. There shall be a new Constitutional Section to provide as follows:

"Section ___. The veto power of the Governor shall not extend to proposed constitutional amendments."

INTRODUCED BY: /s/ Otto T. Habedank

DELEGATE PROPOSAL
No. 95 - Elections

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 95

DATE INTRODUCED: FEB. 2, 1972

Referred to General Government and Constitutional Amendment Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING FOR CREATION OF AUXILIARY CANVASSING BOARDS.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. AUXILIARY CANVASSING BOARDS. The legislature shall provide a method by which a county may establish an auxiliary canvassing board to facilitate the counting of absentee ballots on a countywide basis."

INTRODUCED BY: /s/ Marian S. Erdmann

/s/ Virginia H. Blend

/s/ Thomas M. Ask

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 96

DATE INTRODUCED: FEB. 2, 1972

Referred to Natural Resources and Agriculture Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL ARTICLE ON IRRIGATION AND WATER RIGHTS.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Article to provide as follows:

"ARTICLE ___

IRRIGATION AND WATER RIGHTS

Section 1. WATER IS STATE PROPERTY. The water of all natural streams, springs, lakes or other collections of still water, within the boundaries of the state, are hereby declared to be the property of the state.

Section 2. BOARD OF CONTROL. There shall be a board of control, to be composed of the state engineer and superintendents of the water divisions; which shall, under such regulations as may be prescribed by law, have the supervision of the waters of the state and of their appropriation, distribution and diversion, and of the various officers connected therewith. Decisions of the board shall be subject to review by the courts of the state.

Section 3. PRIORITY OF APPROPRIATION. Priority of appropriation for beneficial uses shall give the better right. No appropriation shall be denied except when such denial is demanded by the public interests.

Section 4. WATER DIVISIONS. The legislature shall by law divide the state into six (6) water divisions, and provide for the appointment of superintendents thereof.

Section 5. STATE ENGINEER. There shall be a state engineer who shall be appointed by the Governor of the state and confirmed by the senate; he shall hold his office for the term of six (6) years, or until his successor shall have been appointed and shall have qualified. He shall be president of the board of control, and shall have general supervision of the waters of the state and of the officers connected with its distribution. No person shall be appointed to this position who has not such theoretical knowledge and such practical experience and skill as shall fit him for the position."

INTRODUCED BY: /s/ Marian S. Erdmann

/s/ William A. Burkhardt

/s/ Marjorie Cain

/s/ Cedor B. Aronow

/s/ Dan Harrington

/s/ Arlyne Reichert

/s/ M. Lynn Sparks

/s/ Ted Hanson

/s/ George Harper

/s/ Robert Lee Kelleher

/s/ Carman Skari

/s/ Paul K. Harlow

/s/ Arnold W. Jacobsen

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 97

DATE INTRODUCED: FEB. 2, 1972

Referred to Local Government Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL ARTICLE PROVIDING FOR LOCAL GOVERNMENT.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Article to provide as follows:

"ARTICLE ___

LOCAL GOVERNMENT

Section 1. DEFINITION. As used in this Article, the term "local government units" shall include, but shall not be limited to, counties, cities and towns. Other local government units may be designated by law.

Section 2. COUNTIES. The counties of the state of Montana as they exist at the time of the adoption of this constitution, are declared to be the counties of the state. No county boundary shall be changed or county seat transferred until approved by a majority of those voting on the question in each county affected.

Section 3. FORMS OF GOVERNMENT. The legislature shall provide by general law for the government of counties, cities, towns, and other local government units and for methods and procedures of incorporating, merging, consolidating, and dissolving such units of local government and of altering their boundaries, including provisions:

(1) For such classification of units of local government as may be necessary on the basis of population or on any other reasonable basis related to the purpose of the classification;

(2) For optional plans of municipal organization and government so as to enable a county or city to adopt or abandon

an authorized optional form by a majority vote of the qualified voters voting thereon;

(3) For procedures by which a county or a city may prepare an alternative plan of municipal organization and government to be adopted or amended by a majority vote of the qualified voters of the city or county voting therein;

(4) For procedures by which a county, city, and town, or counties and cities and towns may prepare an alternative form of consolidated municipal government to be adopted or amended by a majority vote of the qualified voters of the jurisdictions affected;

(5) For procedures for initiative and referendum and recall.

Provided, however, that one alternative form of county government authorized by this section shall include, but not be limited to, the election of three commissioners for overlapping six-year terms and the election for four-year terms of a county clerk and recorder, a sheriff, a treasurer, a county superintendent of schools, an assessor, a county attorney and a clerk of district court. Two or more of such offices, except county attorney, may be consolidated by action of the Board of County Commissioners. Each county operating under this alternative form of government at the time of the adoption of this constitution shall continue to operate under it until the voters of the county adopt an alternative form as provided for in this section or in section 4.

Section 4. HOME RULE CHARTERS. Each county, city or town or other political subdivision or combination of counties, cities or towns or other political subdivisions of the state shall have power to frame and adopt a charter for its own self-government within such limits and under such procedures as may be prescribed by general law. The prescribed procedures, however, shall not require the approval of a charter by a legislative body.

Charter provisions with respect to a political subdivision's executive, legislative and administrative structure and organization shall be superior to statutory provisions, subject to the authority of the legislature to enact general laws allocating and reallocating powers and functions.

A law may qualify as a general law even though it is inapplicable to one or more counties by reason of the provisions of this section.

Section 5. SELF-GOVERNMENT POWERS. Local government units adopting charters under the provisions of section 4 may exercise all legislative powers not prohibited by this Constitution, by law or by charter.

Section 6. VOTER REVIEW OF LOCAL GOVERNMENT. The legislature shall within four (4) years of the adoption of this Constitution provide for procedures for local government units either separately or jointly to review the government structure of the local unit or joint unit and submit one alternate form of government to the voters at the next general or special election. The legislature shall provide for this review procedure each ten (10) years thereafter."

INTRODUCED BY: /s/ Thomas M. Ask

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 98

DATE INTRODUCED: FEB. 2, 1972

Referred to Bill of Rights Committee

A PROPOSAL FOR TWO NEW CONSTITUTIONAL SECTIONS PROTECTING THE RIGHTS OF PRISONERS.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. Incarcerated persons lose none of their human or civil rights when convicted of a felony, other than the choice of habitation, the right to vote and to hold public office."

Section 2. There shall be a new Constitutional Section to provide as follows:

"Section ___. No incarcerated person may be placed in solitary confinement."

INTRODUCED BY: /s/ Robert Lee Kelleher

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 99

DATE INTRODUCED: FEB. 2, 1972

Referred to Local Government Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL ARTICLE PROVIDING FOR A CITY MANAGER FORM OF GOVERNMENT.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. CITY MANAGER. Any community which seeks a charter as a municipal corporation must use a city manager form of government.

INTRODUCED BY: /s/ Robert Lee Kelleher

DELEGATE PROPOSAL
No. 100 - Individual Rights

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 100

DATE INTRODUCED: FEB. 2, 1972

Referred to Bill of Rights Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROHIBITING INVOLUNTARY SERVITUDE A PART OF EACH WEEK EXCEPT FOR NECESSARY AND RECREATIONAL SERVICES.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. No person shall be required to work other than in essential services and places of recreation from approximately dusk on Saturday to dawn on Monday. The exact hours of closing and the excluded industries and services are to be determined by the legislature."

INTRODUCED BY: /s/ Robert Lee Kelleher

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 101

DATE INTRODUCED: FEB. 2, 1972

Referred to Legislative Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION LIMITING CAMPAIGN SPENDING FOR THE LEGISLATURE.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. The legislature shall appropriate a sum not in excess of twenty-five percent (25%) of one year's salary to be used by each candidate for the legislature solely in support of his candidacy in each general election. Except for the foregoing, no person shall spend anything of value for or against said candidacy."

INTRODUCED BY: /s/ Robert Lee Kelleher

DELEGATE PROPOSAL
No. 102 - Private Schools, Funding

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 102

DATE INTRODUCED: FEB. 2, 1972

Referred to Education and Public Lands Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION AUTHORIZING FINANCIAL SUPPORT FOR PRIVATE COLLEGES AND UNIVERSITIES PROVIDED THEY GUARANTEE FREEDOM OF THOUGHT.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA.

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. The legislature may appropriate funds for private colleges and universities, provided they guarantee freedom of thought and expression and do not dictate to the faculty on matters of religious faith or morals."

INTRODUCED BY: /s/ Robert Lee Kelleher

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 103

DATE INTRODUCED: FEB. 2, 1972

Referred to Bill of Rights Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION GUARANTEEING THE RIGHT TO BE BORN AND THE RIGHT TO DIE.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. A human fetus has the right to be born. The incurably ill have the right not to be kept alive by extraordinary means."

INTRODUCED BY: /s/ Robert Lee Kelleher

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 104

DATE INTRODUCED: FEB. 2, 1972

Referred to Natural Resources and Agriculture Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION RESERVING TO THE PEOPLE OF MONTANA ALL SUB-SURFACE RIGHTS EXCEPT UNDER SCHOOL AND INDIAN LANDS.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. All sub-surface rights except under Indian lands and lands heretofore reserved to the schools are reserved to the people to be disposed of as the legislature sees fit."

INTRODUCED BY: /s/ Robert Lee Kelleher

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 105

DATE INTRODUCED: FEB. 2, 1972

Referred to Public Health, Welfare and Labor Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION GUARANTEEING EQUAL PAY FOR EQUAL WORK FOR GOVERNMENT EMPLOYEES.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. Appointed local and state government employees other than judicial officers shall receive no less pay than employees of the United States doing comparable work."

INTRODUCED BY: /s/ Robert Lee Kelleher

DELEGATE PROPOSAL
No. 106 - Constitutional Convention

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 106

DATE INTRODUCED: FEB. 2, 1972

Referred to General Government and Constitutional Amendment Committee

XIX, 8

A PROPOSAL AMENDING ARTICLE XIX, SECTION 8, OF THE CONSTITUTION OF THE STATE OF MONTANA PROVIDING FOR FUTURE CONSTITUTIONAL CONVENTIONS.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. Article XIX, Section 8 of the present Constitution is amended to read as follows:

"Sec. 8. ~~The legislative assembly may at any time, by a vote of two-thirds of the members elected to each house, submit to the electors of the state the question whether there shall be a convention to revise, alter, or amend this constitution; and if a majority of those voting on the question shall declare in favor of such convention, the legislative assembly shall at its next session provide for the calling thereof. The number of members of the convention shall be the same as that of the house of representatives, and they shall be elected in the same manner, at the same places, and in the same districts. The legislative assembly shall in the act calling the convention designate the day, hour and place of its meeting, fix the pay of its members and officers, and provide for the payment of the same, together with the necessary expenses of the convention. Before proceeding, the members shall take an oath to support the constitution of the United States and of the state of Montana, and to faithfully discharge their duties as members of the convention. The qualifications of members shall be the same as of the members of the senate, and vacancies occuring shall be filled in the manner provided for filling vacancies in the legislative assembly. Said convention shall meet within three months after such election and prepare such revision, alterations, or amendments to the constitution as may be deemed necessary, which shall be submitted to the electors for their ratification or rejected at an election appointed by the convention for that purpose, not less than two~~

~~nor more than six months after the adjournment thereof, and unless so submitted and approved by a majority of the electors voting at the election, no such revision, alteration, or amendment shall take effect.~~ The legislature may call constitutional conventions at any time. If during any ten-year period a constitutional convention has not been held, there shall be placed on the ballot for the next general election the question: "Shall there be a Constitutional Convention?" If a majority of the votes cast on the question are in the negative, the question need not be placed on the ballot until the end of the next ten-year period. If a majority of the votes cast on the subject are in the affirmative, delegates to the convention shall be chosen at the next regular statewide election, unless the legislature provides for the election of delegates at a special election. The Governor shall issue the call for the convention. Except that delegates are to be elected on a non-partisan basis and unless other provisions have been made by law, the call shall conform as nearly as possible to the act calling the Montana Constitutional Convention of 1972, including but not limited to, number of members, districts, election and certification of delegates and submission and ratification of revisions and ordinances. The appropriation provisions of the call shall be self-executing and shall constitute a first claim on the state treasury. Constitutional Conventions shall have plenary power to amend or revise the constitution, subject only to ratification by the people. No call for a constitutional convention shall limit these powers of the convention."

INTRODUCED BY: /s/ Harold Arbanas

/s/ Edith Van Buskirk

/s/ Lyle R. Monroe

DELEGATE PROPOSAL
No. 107 - Executive Article

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 107

DATE INTRODUCED: FEB. 2, 1972

Referred to Executive Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL ARTICLE PROVIDING FOR JOINT ELECTION OF THE GOVERNOR, LIEUTENANT GOVERNOR AND ATTORNEY GENERAL.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Article to provide as follows:

"ARTICLE ____

THE EXECUTIVE

Section 1. EXECUTIVE POWER. The executive power of the state shall be vested in the Governor.

Section 2. STATE ELECTIVE OFFICERS. There shall be a lieutenant Governor and an attorney general. They shall have the same qualifications as the Governor and serve for the same term. They shall perform such duties as may be prescribed by law and as may be delegated to each by the Governor.

Section 3. ELECTIONS. The Governor shall be elected by the qualified voters of the state at a general election every other odd-numbered year. The person receiving the highest number of votes shall be Governor. In the case of a tie vote, the selection of the Governor shall be determined in accordance with law.

The term of office of the Governor shall begin at noon on the first Monday in December next following his election and end at noon on the first Monday in December, four years thereafter.

No person shall be eligible for the office of Governor unless he shall be a qualified voter, have attained the age of 30 years and have been a resident of this state for two years immediately preceding his election.

The Governor shall not hold any other office or employment of profit under the state or the United States during his term of office.

The Governor, the lieutenant Governor and the attorney general shall belong to the same political party and shall be elected jointly in both the primary and the general elections.

In both the primary and general elections, one vote shall be cast jointly for the candidate for Governor, lieutenant Governor and attorney general.

No person shall be elected to the office of attorney general who is not an attorney admitted to practice before the supreme court of the state.

Section 4. LIMIT ON TENURE. No person who has been elected Governor for two full successive terms shall be eligible to hold that office until one full term has intervened.

Section 5. COMPENSATION. The compensation of the Governor, the lieutenant Governor and the attorney general shall be prescribed by law and shall not be diminished during their term of office, unless by general law applying to all salaried officers of the state.

Section 6. EXECUTIVE AND ADMINISTRATIVE POWERS. The Governor shall be responsible for the faithful execution of the laws. He may, by appropriate action and proceeding brought in the name of the state, enforce compliance with any constitutional or legislative mandate or restrain violation of any constitutional or legislative power, duty or right of any officer, department or agency of the state or any of its civilian divisions. This authority shall not authorize any action or proceedings against the legislature.

The Governor shall commission all officers of the state. He may at times require information, in writing or otherwise from the officers of any administrative department, office or agency upon any subject relating to their respective offices. He shall be commander-in-chief of the armed forces of the state, except when they are called into the service of the United States and may call them out to execute the laws, to preserve order, to suppress insurrection or to repel invasion.

Section 7. PRINCIPAL DEPARTMENTS. All executive and administrative offices, agencies and instrumentalities of the executive branch of state government and their respective functions, powers and duties, except for the office of Governor and lieutenant Governor shall be allocated by law among and within twenty principal departments. They shall be grouped as far as possible according to major purposes.

Subsequent to the initial allocation, the Governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders and submitted to the legislature. Thereafter the legislature shall have 60 calendar days of a regular session or a full regular session if of shorter duration, to disapprove each executive order. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house, each order shall become effective at a date thereafter to be designated by the Governor.

The head of each department shall be a single executive except in the case of the Department of Education which is headed by a nine member board of education elected in a manner prescribed by law.

The single executives heading principal departments shall include the attorney general and may include the lieutenant Governor unless his duties are otherwise defined by the Governor.

Apart from these exceptions, each head shall be appointed by the Governor by and with the advice and consent of the senate and he shall serve at the pleasure of the Governor.

Such single executives shall hold office for a term to expire at the end of the term for which the Governor was elected, unless sooner removed by the governor, except that the removal of the lieutenant Governor and the attorney general from executive position shall require a two-thirds vote of each house of the legislature.

The Governor shall nominate and by and with the consent of the senate, appoint all officers for whose election and appointment provision is not otherwise made by this constitution or by law. If the manner of removal is not prescribed in this constitution, his removal shall be in a manner prescribed by law.

When the senate is not in session and a vacancy occurs in any office, appointment to which requires the confirmation of the senate, the Governor may fill the office by granting a commission which shall, unless such appointment is confirmed, expire at the next session of the senate; but the person so appointed shall not be eligible for another interim appointment to such office if the appointment shall have failed to be confirmed by the senate.

No person who has been nominated for appointment for any office and whose appointment has not received the consent of the senate shall be eligible to an interim appointment thereafter to such office.

Every officer appointed under the provisions of this section shall be a citizen of the United States and shall have been a resident of the state for at least one year immediately preceding his appointment.

Section 8. GOVERNOR'S MESSAGES TO THE LEGISLATURE. The Governor shall at the beginning of each session and may at other times, give to the legislature information as to the affairs of state and recommend measures he considers necessary and advisable.

At the beginning of each regular session, he shall also send to the legislative assembly a statement with vouchers of the expenditures of all moneys belonging to the state and paid out by him.

He shall also at the beginning of each session, present estimates of the amount of money required to be raised by taxation for all purposes of the state.

Section 9. PARDONS. The Governor shall have power to grant reprieves, commutations and pardons, after conviction, for all offenses and may delegate such powers, subject to such procedure as may be prescribed by law.

Section 10. CONVENING THE LEGISLATURE. Wherever the Governor considers it in the public interest, he may convene the legislature, either house or the two houses in joint session.

Section 11. VETO POWERS OF THE GOVERNOR. Every bill which shall have passed the senate and the house of representatives shall, before it becomes a law, be presented to the Governor. If he approves, he shall sign it; but if not he may return it with his objections to the house in which it originated, which shall enter the objections at large on its journal and proceed to reconsider the same. If after such consideration, two-thirds of the members present, which two-thirds shall include a majority of the members elected to that house, shall agree to pass the bill, it shall be sent together with the objections to the other house, by which it shall likewise be reconsidered and if approved by two-thirds of all members present, which two-thirds shall include a majority of the members elected to that house, it shall become a law, notwithstanding the objection.

In case the Governor shall not transmit the bill either with his approval or with his objections, within ten calendar days, Sunday and legal holidays excepted, after the same has been presented to him, it shall be a law at the expiration of that period. The Governor shall have the power to veto any particular item or items of an appropriation bill, but the veto shall not affect the item or items to which he does not object. The item or items objected to shall not take effect except in the manner

heretofore provided in this section as to bills returned to the legislature without his approval.

If the Governor approve the general purpose of any bill, but disapprove any part or parts thereof, he may return it with recommendations for its amendment, to the house in which it originated, whereupon the same proceedings shall be had in both houses upon the bill and his recommendations in relation to its amendment as is above provided in relation to a bill, which he shall have returned without his approval and with his objections thereto; provided that, if after such reconsideration both houses, by a vote of a majority of the members present in each, shall agree to amend the bill in accordance with his recommendation in relation thereto or either house by such vote shall fail or refuse to so amend it, then and in either case the bill shall be again sent to him and he may act upon it as if it were then before him for the first time. In all cases above set forth, the names of the members voting for and against the bill, the item or items of an appropriation shall be entered on the journal of each house.

Section 12. SUCCESSION TO THE OFFICES AND POWERS OF GOVERNOR AND LIEUTENANT GOVERNOR. If the Governor-elect dies, resigns or is disqualified, the lieutenant Governor-elect shall succeed to the office of Governor for the full term. If the Governor-elect fails to assume office for any other reason, the lieutenant Governor shall serve as acting Governor; and he shall succeed to the office of Governor if the Governor-elect does not assume his office within six months of the beginning of his term.

In case of the removal of the Governor from office or his death or resignation, the lieutenant Governor shall become Governor for the remainder of the term.

Whenever the Governor transmits to the presiding officers of the house and senate his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be exercised by the lieutenant Governor as acting Governor.

Whenever the lieutenant Governor and a majority of the heads of the executive departments transmit to the house and senate their written declaration that the Governor is unable to discharge the powers and duties of his office, the lieutenant Governor shall immediately become the acting Governor.

Thereupon the legislature shall assemble within 96 hours if not in session and shall decide the issue. If the legislature, within ten days after the receipt of the latter written declaration or if not in session, within ten days after the legislature is required to assemble, determines by two-thirds vote of the members voting in both houses that the Governor is unable to dis-

charge the powers and duties of his office, the lieutenant Governor shall continue to discharge the duties of acting Governor; otherwise, the Governor shall resume the powers and duties of his office.

The acting Governor shall have all the powers and duties of the Governor.

Whenever there is a vacancy in the office of lieutenant Governor, the Governor shall nominate a lieutenant Governor who shall take office upon confirmation by each house of the legislature by a majority of the members voting.

The legislature, in cases not herein provided for, may enact laws for succession to the office of Governor and lieutenant Governor.

Section 13. The legislature shall establish standard guidelines based on personal qualifications and on-the-job performance for the appointment, hiring, advancement and discontinuance of employment for all state employees other than the elected and appointed officers provided for in this constitution."

INTRODUCED BY: /s/ Harold Arbanas

DELEGATE PROPOSAL
No. 108 - Elections

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 108

DATE INTRODUCED: FEB. 2, 1972

Referred to Local Government Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING FOR COUNTY ELECTIONS ON ALTERNATIVE FORMS OF GOVERNMENT.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. Each county in the state shall vote in 1976 on whether to continue the county government then in effect in that county or to adopt an alternative form. The legislature shall authorize several alternative forms of government and provide for the county election which shall be between the form of government then in effect and one alternative. The legislature shall also provide for procedures whereby each county may select the alternative to be placed on the ballot."

INTRODUCED BY: /s/ Dorothy Eck

/s/ Virginia H. Blend

/s/ Daphne Bugbee

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 109

DATE INTRODUCED: FEB. 2, 1972

Referred to Revenue and Finance Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION ALLOWING INCOME TAXPAYERS TO CONTRIBUTE ONE DOLLAR TO PARTY OF THEIR CHOICE.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. Each person or persons filing a separate income tax return may assign so much of his tax, as the legislature provides, but no less than one dollar to the political party of his choice."

INTRODUCED BY: /s/ Robert Lee Kelleher

DELEGATE PROPOSAL
No. 110 - Elections, Consecutive Terms

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 110

DATE INTRODUCED: FEB. 2, 1972

Referred to Executive Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION LIMITING THE NUMBER OF TIMES A PERSON MAY SUCCEED HIMSELF IN OFFICE.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. After the effective date of this provision no person may serve more than three consecutive terms in the same public elective office."

INTRODUCED BY: /s/ Geoffrey L. Brazier

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 111

DATE INTRODUCED: FEB. 2, 1972

Referred to General Government and Constitutional Amendment Committee

XIX, 2

A PROPOSAL AMENDING ARTICLE XIX, SECTION 2 OF THE CONSTITUTION OF THE STATE OF MONTANA TO PROHIBIT GAMBLING AS A MEANS OF FINANCING STATE GOVERNMENT AND TO PERMIT CHARITABLE OR NONPROFIT ORGANIZATIONS TO ENGAGE IN GIFT ENTERPRISES.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. Article XIX, Section 2 of the present Constitution is amended to read as follows:

"Sec. 2. The legislative assembly shall have no power to authorize lotteries, ~~or gift enterprises for any purpose, and shall pass laws to prohibit the sale of lottery or gift enterprises~~ or gambling of any kind for the purpose of financing units of state or local government in this state. This provision shall not prohibit charitable or nonprofit organizations from engaging in gift enterprises and ticket sales when authorized to do so by law."

INTRODUCED BY: /s/ Gene Harbaugh

/s/ Harold Arbanas

/s/ Carl M. Davis

/s/ Max Conover

/s/ Dorothy Eck

/s/ Rod Hanson

/s/ R. S. Hanson

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 112

DATE INTRODUCED: FEB. 2, 1972

Referred to General Government and Constitutional Amendment Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING THAT THE STATE NOT ENGAGE IN THE WHOLESALE LIQUOR BUSINESS.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. The legislature shall provide that by December 31, 1974 the state of Montana shall no longer engage in the business of buying and selling liquors. This section does not prevent the legislature from regulating or taxing the retail and wholesale sale of liquor."

INTRODUCED BY: /s/ Arnold W. Jacobsen

/s/ Mae Nan Robinson

/s/ D. A. Scanlin

/s/ Don E. Belcher

/s/ F. J. Studer, Sr.

/s/ Sterling Rygg

/s/ Joseph H. McCarvel

/s/ George W. Rollins

/s/ Marian S. Erdmann

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 113

DATE INTRODUCED: FEB. 2, 1972

Referred to Education and Public Lands Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING FOR A TEACHERS' SALARY EQUITY BOARD.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. There is created a Teachers' Salary Equity Board consisting of three members serving four-year terms; one (1) member is to be elected by the vote of members of the teachers' retirement system, one (1) member is to be elected by the legal voters of the state and one (1) member is to be appointed by the State Board of Education. The legislature shall provide for the method of election and for the powers and duties of the Equity Board. The duties shall include the hearing of appeals by any member of the teachers' retirement system who is aggrieved by his salary and the powers shall include the power to order salaries raised twenty percent (20%) or less. In evaluating salaries the Board shall consider classroom performance, public service and professional growth. The Board shall not have the power to reduce salaries."

INTRODUCED BY: /s/ Richard B. Roeder

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 114

DATE INTRODUCED: FEB. 3, 1972

Referred to Natural Resources and Agriculture Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION ON PUBLIC SIGHTLINESS AND GOOD ORDER.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. PUBLIC SIGHTLINESS AND GOOD ORDER. The state shall conserve and develop its natural beauty, objects and places of historic or cultural interest, sightliness and physical good order, and for that purpose private property shall be subject to reasonable regulation."

INTRODUCED BY: /s/ Daphne Bugbee

/s/ Dorothy Eck

/s/ Richard B. Roeder

/s/ Jerome Cate

/s/ Bruce M. Brown

/s/ Arlyne Reichert

/s/ George Harper

/s/ Bob Campbell

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 115

DATE INTRODUCED: FEB. 3, 1972

Referred to General Government and Constitutional Amendment Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING THAT THIS CONSTITUTION SHALL NOT AFFECT PRESENT ELECTIVE OFFICES BEFORE 1977.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. No action of the 1971-1972 Constitutional Convention shall affect the status of any elective office to be filled at the November 7, 1972 election or any office the term to which ends before January 1, 1977."

INTRODUCED BY: /s/ Daphne Bugbee

/s/ Dorothy Eck

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 116

DATE INTRODUCED: FEB. 3, 1972

Referred to Bill of Rights Committee

III, 3

A PROPOSAL AMENDING ARTICLE III, SECTION 3 OF THE CONSTITUTION OF THE STATE OF MONTANA RECOGNIZING THE PEOPLE'S OBLIGATION TO PRESERVE THEIR RIGHTS AND PROPERTY.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. Article III, Section 3 of the present Constitution is amended to read as follows:

"Sec. 3. ~~All persons are born equally free, and have certain natural, essential, and inalienable rights, among which may be reckoned the right of enjoying and defending their lives and liberties, of acquiring, possessing, and protecting property, and of seeking and obtaining their safety and happiness in all lawful ways.~~ All people are free by nature and are equal in their inherent and inalienable rights. Among these rights are the enjoyment of life, liberty and the pursuit of happiness. These rights cannot endure unless people recognize their reciprocal responsibilities and obligations to secure and preserve these rights and to protect their property."

INTRODUCED BY: /s/ J. K. Ward

/s/ Margaret S. Warden

/s/ Charles H. Mahoney

/s/ Maurice Driscoll

/s/ M. Lynn Sparks

/s/ Virginia H. Blend

/s/ E. A. Nutting

/s/ George B. Heliker

/s/ F. J. Studer, Sr.

/s/ D. A. Scanlin

/s/ Robert Lee Kelleher

/s/ Arlyne Reichert

/s/ A. W. Kamhoot

/s/ Magnus Aasheim

/s/ Wm. Burkhardt

/s/ A. C. Wilson

/s/ Roger A. Wagner

/s/ Robert E. Noble

DELEGATE PROPOSAL
No. 117 - Agriculture

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL 117

DATE INTRODUCED: FEB. 3, 1972

Referred to Natural Resources and Agriculture Committee

A PROPOSAL FOR A NEW SECTION TO PROVIDE FOR A DEPARTMENT OF AGRICULTURE.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. There shall be a Department of Agriculture."

INTRODUCED BY: /s/ Grace Bates

/s/ Grace Bates
/s/ Carman Skari
/s/ John H. Leuthold
/s/ Lloyd Barnard
/s/ Carl M. Davis
/s/ John H. Anderson
/s/ Leslie Eskildsen
/s/ Edith Van Buskirk
/s/ Jerome J. Cate
/s/ Douglas Delaney
/s/ Chet Blaylock
/s/ C. Louise Cross
/s/ Don E. Belcher
/s/ R. A. Nutting
/s/ Charles H. Mahoney
/s/ Donald R. Foster
/s/ Mark Etchart
/s/ Paul K. Harlow

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 118

DATE INTRODUCED: FEB. 3, 1972

Referred to Bill of Rights Committee

A PROPOSAL FOR A PREAMBLE TO THE NEW CONSTITUTION.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a Preamble to the Constitution to read as follows:

"PREAMBLE

We the people of Montana are grateful for Divine Guidance, mindful of our rich heritage, thankful for our shining mountains and rolling plains, and realize that all people are free by nature and are equal in their inherent and inalienable rights. Among these rights are the enjoyment of life, liberty and the pursuit of happiness. We recognize corresponding responsibilities and obligations to secure and preserve these rights and to protect our property for future generations; and with this intent we do ordain and establish this Constitution."

INTRODUCED BY: /s/ J. K. Ward

/s/ R. A. Nutting

/s/ A. W. Kamhoot

/s/ George B. Heliker

/s/ Maurice Driscoll

/s/ William A. Burkhardt

/s/ Virginia H. Blend

/s/ Roger A. Wagner

/s/ R. J. Studer, Sr.

/s/ Charles H. Mahoney

/s/ Magnus Aasheim

/s/ M. Lynn Sparks

/s/ D. A. Scanlin

/s/ A. C. Wilson

/s/ Margaret S. Warden

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 119

DATE INTRODUCED: FEB. 3, 1972

Referred to Revenue and Finance Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING FOR THE EARMARKING OF GRASS CONSERVATION, HAIL INSURANCE AND WHEAT RESEARCH FUNDS.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. (1) All moneys paid into the state treasury which are derived from acreage taxes to support the hail insurance program shall be expended only for hail insurance losses, refunds, interest on warrants and cost of administering the hail insurance program.

(2) All moneys paid into the state treasury which are derived from grazing district permit fees or assessments shall be expended only for administering the state grazing district program.

(3) All moneys paid into the state treasury which are derived from assessments on marketed wheat shall be expended only for costs of administering the wheat research and marketing program.

None of the above mentioned moneys may be deposited in the state's general fund to support state government."

INTRODUCED BY: /s/ Magnus Aasheim

/s/ Max Conover

/s/ Lloyd Barnard

/s/ John H. Anderson, Jr.

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 120

DATE INTRODUCED: FEB. 3, 1972

Referred to General Government and Constitutional Amendment Committee

XIX, 2

A PROPOSAL AMENDING ARTICLE XIX, SECTION 2 OF THE CONSTITUTION OF THE STATE OF MONTANA TO PERMIT BINGO GAMES BY NONPROFIT ORGANIZATIONS.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. Article XIX, Section 2 of the present Constitution is amended to read as follows:

"Sec. 2. The legislative assembly shall have no power to authorize lotteries, or gift enterprises for any purpose, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets in this state. This provision shall not prohibit nonprofit, charitable, or church-related groups from conducting bingo games on a reasonable scale."

INTRODUCED BY: /s/ A. W. Kamhoot

/s/ A. C. Wilson

/s/ J. K. Ward

/s/ Torrey Johnson

DELEGATE PROPOSAL
No. 121 - Public Utilities

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 121

DATE INTRODUCED: FEB. 3, 1972

Referred to Public Health, Welfare and Labor Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING FOR PUBLIC UTILITY CORPORATIONS.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. Any county or municipal subdivision of the state has the power and authority to establish public corporations for the maintenance and operation of utilities, subject to regulations prescribed by law."

INTRODUCED BY: /s/ Paul K. Harlow

/s/ Miles Romney

/s/ Grace Bates

/s/ Don F. Belcher

/s/ George H. James

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 122

DATE INTRODUCED: FEB. 3, 1972

Referred to Local Government Committee

Referred to Executive Committee

V, 31

A PROPOSAL AMENDING ARTICLE V, SECTION 31 OF THE CONSTITUTION OF THE STATE OF MONTANA, DELETING THE WORDS "OR INCREASE" FROM THE SECTION PROVIDING FOR SALARY INCREASE FOR ELECTED PUBLIC OFFICERS DURING THEIR TERM OF OFFICE.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. Article V, Section 31 of the present Constitution is amended to read as follows:

"Sec. 31. Except as otherwise provided in this constitution, no law shall extend the term of any public officer, ~~or increase~~ or diminish his salary or emolument after his election or appointment: provided, that this shall not be construed to forbid the legislative assembly from fixing the salaries or emoluments of those officers first elected or appointed under this constitution, where such salaries or emoluments are not fixed by this constitution."

INTRODUCED BY: /s/ Thomas M. Ask

/s/ George W. Rollins

DELEGATE PROPOSAL
No. 123 - Legislative, Interim Committee

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 123

DATE INTRODUCED: FEB. 3, 1972

Referred to Legislative Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING FOR LEGISLATIVE INTERIM COMMITTEES.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. The legislature may establish interim committees of the legislature which may meet between legislative sessions and exercise all legislative authority delegated to them."

INTRODUCED BY: /s/ Felt

/s/ Mark Etchart

/s/ Leslie Eskildsen

/s/ R. F. Woodmansey

/s/ Arlyne Reichert

/s/ George Harper

/s/ R. A. Nutting

/s/ Donald R. Foster

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 124

DATE INTRODUCED: FEB. 3, 1972

Referred to Bill of Fights Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROHIBITING LIE DETECTOR TESTS AS A CONDITION OF EMPLOYMENT.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. No person shall be required as a condition of employment to submit to lie detector or other self-incriminating tests."

INTRODUCED BY: /s/ Jerome J. Cate

/s/ George B. Heliker

/s/ David I. Holland

/s/ George W. Rollins

/s/ Lucile Speer

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 125

DATE INTRODUCED: FEB. 3, 1972

Referred to Bill of Rights Committee

III, 14

A PROPOSAL AMENDING ARTICLE III, SECTION 14 OF THE CONSTITUTION OF THE STATE OF MONTANA PROVIDING THAT ENVIRONMENTAL AMENITIES NOT BE TAKEN OR DAMAGED WITHOUT JUST COMPENSATION.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. Article III, Section 14 of the present Constitution is amended to read as follows:

"Sec. 14. Private property, including its inherent environmental amenities, shall not be taken, ~~or~~ damaged or impaired by any entity ~~for public use~~ without just compensation, ~~having been first made to or paid into court for the owner.~~"

INTRODUCED BY: /s/ Jerome J. Cate

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 126

DATE INTRODUCED: FEB. 3, 1972

Referred to Local Government Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL ARTICLE ON LOCAL GOVERNMENT.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Article to provide as follows:

"ARTICLE ___

LOCAL GOVERNMENT

Section 1. LOCAL GOVERNMENT UNITS. As used in this article local governments shall include but shall not be limited to counties, cities and towns.

Section 2. ORGANIZATION OF LOCAL GOVERNMENT. The legislature shall provide by general law for the government of counties, cities, towns, and other local government units and for methods and procedures of incorporating, classifying, merging, consolidating, and dissolving such units of government and for altering their boundaries.

Section 3. OPTIONAL PLANS. The legislature shall provide by general law for optional forms of government for counties, cities and towns, or a combination of any two or more of these units, which may be adopted or repealed by a majority of the qualified voters voting thereon; provided, however, that one optional form of county government shall include the following elected county officials: three county commissioners, clerk, sheriff, treasurer, superintendent of schools, surveyor, assessor, coroner and public administrator.

Section 4. LOCAL CHARTER WRITING. The legislature shall provide methods and procedures under which counties, cities and towns, or a combination of any two or more of these units may frame, adopt, amend, revise and repeal their own charters,

subject to a majority of the qualified voters voting thereon.

Section 5. POWERS OF LOCAL GOVERNMENT. Any unit of local government may exercise any power or function which is not denied, either expressly or by clear implication, by its charter, is not denied to units of local government generally or to its class of local government, and is within such limitations as are prescribed by the constitution or such limitations as the legislature shall establish by general law. The legislature may reserve this power to certain classes of local governments on the basis of population.

Section 6. LIMITATIONS ON LOCAL POWERS. The powers granted to local government shall not include the power (1) to levy, assess and collect taxes except as delegated to local governments by the legislature; (2) to borrow money or to pledge or loan the credit of any local government unit; (3) to enact private or civil law governing civil relationships except as are incident to an exercise of an independent municipal power; or (4) to define and provide for the punishment of a felony.

Section 7. INTERGOVERNMENTAL COOPERATION. Agreements, including those for cooperative or joint administration of any function or powers, may be made by any unit of local government with any other political subdivision, with the state, or with the United States, unless prohibited by general law or charter.

Section 8. INITIATIVE, REFERENDUM, AND RECALL. The initiative and referendum powers reserved to the people by the constitution shall be further extended to the qualified voters of each county and city as applied to the adoption, amendment, revision, or repeal of a charter and as applied to legislation adopted by a local government unit.

All elected public officials of local governments are subject to recall by the voters of the local government unit from which elected. Procedures and grounds for recall shall be prescribed by the legislature."

INTRODUCED BY: /s/ Lucile Speer

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 127

DATE INTRODUCED: FEB. 3, 1972

Referred to Natural Resources and Agriculture Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING FOR WATER RIGHTS.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. WATER RIGHTS. (1) All existing rights to the use of any waters in this state for any useful or beneficial purpose are hereby recognized and confirmed.

(2) All surface, ground, and atmospheric waters within the boundaries of the state of Montana are declared to be properties of the state and subject to appropriation for beneficial uses as provided by law.

(3) The legislature shall vest in an agency of the executive branch of state government, under laws which shall be prescribed by the legislature, the administration, control and regulation of existing and future rights to and uses of water."

INTRODUCED BY: /s/ Carl M. Davis

/s/ Douglas Delaney

/s/ John H. Anderson, Jr.

/s/ Henry Siderius

/s/ Don Rebal

DELEGATE PROPOSAL
No. 128 - Board of Education

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 128

DATE INTRODUCED: FEB. 3, 1972

Referred to Education and Public Lands Committee

A PROPOSAL AMENDING ARTICLE XI, SECTION 11 OF THE CONSTITUTION OF THE STATE OF MONTANA PROVIDING THAT TEN MEMBERS OF THE BOARD OF EDUCATION BE APPOINTED BY THE GOVERNOR AND ONE STUDENT MEMBER BE SELECTED AS PROVIDED BY LAW.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. Article XI, Section 11 of the present Constitution is amended to read as follows:

"Sec. 11. The general control and supervision of the state university system and the various other state educational institutions shall be vested in a state board of education, whose powers and duties shall be prescribed and regulated by law. The ~~said~~ board shall consist of eleven members, ~~the Governor, state superintendent of public instruction, and attorney general, being members ex officio; the other eight members thereof shall be appointed by the Governor; subject to the confirmation of the senate, under the regulations and restrictions to be provided by law.~~ ten (10) to be appointed by the Governor, subject to senate confirmation and one member to be a student at one of the institutions governed by the board selected in a nonappointive manner as prescribed by law."

INTRODUCED BY: /s/ Mae Nan Robinson

/s/ Arlyne Reichert

/s/ Lucile Speer

/s/ Mike McKeon

/s/ Robert Vermillion

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 129

DATE INTRODUCED: FEB. 3, 1972

Referred to General Government and Constitutional Amendment Committee

V, 1

A PROPOSAL AMENDING ARTICLE V, SECTION 1 OF THE CONSTITUTION OF THE STATE OF MONTANA PROVIDING FOR RECALL OF ELECTED OFFICIALS.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. Article V, Section 1 of the present Constitution is amended to read as follows:

"Section 1. ~~The legislative authority of the state shall be vested in a legislative assembly, consisting of a senate and house of representatives; but~~ The people reserve to themselves power to propose laws, and to enact or reject the same at the polls, except as to laws relating to appropriations of money, and except as to laws for the submission of constitutional amendments, and except as to local or special laws, ~~as enumerated in article V, section 26, of this constitution,~~ independent of the legislative assembly; and also reserve power, at their own option, to approve or reject at the polls, any act of the legislative assembly, except as to laws necessary for the immediate preservation of the public peace, health, or safety, and except as to laws relating to appropriations of money, and except as to laws for the submission of constitutional amendments, and except as to local or special laws, ~~as enumerated in article V, section 26, of this constitution.~~ the people also reserve to themselves the power to remove elected officials from office. The first power reserved by the people is the initiative and eight percent of the legal voters of the state shall be required to propose any measure by petition; provided, that two-fifths of the whole number of the ~~counties~~ legislative districts of the state must each furnish as signers of said petition eight percent of the legal voters in such ~~county,~~ district, and every such petition shall include the full text of the measure so proposed. Initiative petitions shall be filed with the secretary of state, not

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less than four months before the election at which they are to be voted upon.

The second power is the referendum, and it may be ordered either by petition signed by five percent of the legal voters of the state; provided that two-fifths of the whole number of the ~~counties~~ legislative districts of the state must each furnish as signers of said petition five percent of the legal voters in such ~~county,~~ district, or, by the legislative assembly as other bills are enacted.

Referendum petitions shall be filed with the secretary of state, not later than six months after the final adjournment of the session of the legislative assembly which passed the bill on which the referendum is demanded. The veto power of the Governor shall not extend to measures referred to the people by the legislative assembly or by initiative or referendum petitions.

All elections on measures referred to the people of the state shall be had at the biennial regular general election, except when the legislative assembly, by a majority vote, shall order a special election. Any measure referred to the people shall still be in full force and effect unless such petition be signed by fifteen percent of the legal voters of a majority of the whole number of the ~~counties~~ legislative districts of the state, in which case the law shall be inoperative until such time as it shall be passed upon at an election, and the result has been determined and declared as provided by law. The whole number of votes cast for Governor at the regular election last preceding the filing of any petition for the initiative or referendum shall be the basis on which the number of legal petitions and orders for the initiative and for the referendum shall be filed with the secretary of state; and in submitting the same to the people, he, and all other officers, shall be guided by the general laws and the act submitting this amendment, until legislation shall be especially provided therefor. The enacting clause of every law originated by the initiative shall be as follows:

"Be it enacted by the people of Montana:"

This section shall not be construed to deprive any member of the legislative assembly of the right to introduce any measure.

The third power reserved to the people is the recall, and each elected public official of the state and of its political subdivisions is subject to recall by the voters of the area from which he is elected in the manner provided by the legislature."

INTRODUCED BY: /s/ Paul K. Harlow

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 130

DATE INTRODUCED: FEB. 3, 1972

Referred to Education and Public Lands Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING FOR THE ESTABLISHMENT OF PUBLIC LIBRARIES.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. The legislature shall provide for the establishment and support of public libraries which shall be available to all residents of the state."

INTRODUCED BY: /s/ Mae Nan Robinson

/s/ Mike McKeon

DELEGATE PROPOSAL
No. 131 - Voter Registration

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 131

DATE INTRODUCED: FEB. 3, 1972

Referred to General Government and Constitutional Amendment Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING FOR POLLING PLACE VOTER REGISTRATION.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. Prior registration shall not be a qualification for voting at an election in Montana. The legislature shall provide methods for establishing voter qualifications on election day at the polling places."

INTRODUCED BY: /s/ Daphne Bugbee

/s/ Jerome J. Cate

/s/ Arlyne Reichert

/s/ George Harper

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 132

DATE INTRODUCED: FEB. 3, 1972

Referred to Bill of Rights Committee

Referred to Natural Resources and Agriculture Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING FOR ENVIRONMENTAL RIGHTS.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. ENVIRONMENTAL RIGHTS. It shall be the obligation of all parties, governmental or private, to maintain and enhance a high quality environment as a public benefit. Such governmental obligation shall apply to all aspects of environmental quality including, but not limited to, air, water, lands, wildlife, minerals and forests. The legislature must implement effective enforcement of this basic environmental right."

INTRODUCED BY: /s/ Bob Campbell and Don Foster

/s/ Harold Arbanas

/s/ C. B. McNeil

/s/ Carman Skari

/s/ George Harper

/s/ Lucile Speer

/s/ Charles H. Mahoney

/s/ R. J. Studer, Sr.

/s/ Jerome J. Cate

/s/ Jerome T. Loendorf

/s/ Mae Nan Robinson

/s/ George B. Heliker

/s/ Robert Vermillion

/s/ C. Louise Cross

/s/ Lyle R. Monroe

DELEGATE PROPOSAL
No. 132 - Environmental Rights

/s/ Cedor E. Arcnow

/s/ Dorothy Eck

/s/ Marian S. Erdmann

/s/ Jean M. Bowman

/s/ Fen Berg

/s/ Chet Blaylock

/s/ Otto T. Habedank

/s/ Wade J. Dahood

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 133

DATE INTRODUCED: FEB. 3, 1972

Referred to Bill of Rights Committee

Referred to Judiciary Committee

A PROPOSAL AMENDING ARTICLE III, SECTION 6 OF THE MONTANA CONSTITUTION OF THE STATE OF MONTANA TO PERMIT AN INJURED PERSON FULL REMEDIES AGAINST ALL PARTIES WHO MAY BE LIABLE FOR HIS INJURY EXCEPTING HIS FELLOW EMPLOYEES AND HIS IMMEDIATE EMPLOYER, PROVIDED SUCH IMMEDIATE EMPLOYER PROVIDES COVERAGE UNDER THE WORKMEN'S COMPENSATION LAWS OF THE STATE OF MONTANA.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. Article III, Section 6 of the present Constitution is amended to read as follows:

"Section 6. Courts of justice shall be open to every person, and a speedy remedy afforded for every injury of person, property, or character; no person shall be deprived of this full legal redress for injury incurred in employment for which another person may be liable except as to fellow employees and his immediate employer who hired him if such immediate employer provides coverage under the Workmen's Compensation laws of this state; and that right and justice shall be administered without sale, denial, or delay."

INTRODUCED BY: /s/ Bob Campbell

/s/ Lyle R. Monroe

/s/ John M. Schiltz

/s/ Cedor B. Aronow

/s/ Chet Blaylock

/s/ Jerome J. Cate

/s/ Thomas M. Ask

/s/ Geoffrey L. Brazier

/s/ George B. Heliker

DELEGATE PROPOSAL
No. 134 - Local Government

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 134

DATE INTRODUCED: FEB. 3, 1972

Referred to Local Government Committee

A PROPOSAL REPEALING ARTICLE XII, SECTIONS 15 AND 16 AND AMENDING ARTICLE XII, SECTION 17 OF THE CONSTITUTION OF THE STATE OF MONTANA.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. Article XII, Section 15 of the present Constitution which reads as follows, is repealed:

~~"Sec. 15. The board of county commissioners of each county shall constitute the county board of equalization. The duties of such board shall be to adjust and equalize the valuation of taxable property within their respective counties, and all such adjustments and equalizations may be supervised, reviewed, changed, increased or decreased by the state board of equalization. The state board of equalization shall be composed of three members who shall be appointed by the Governor, by and with the advice and consent of the senate. A majority of the members of the state board of equalization shall constitute a quorum. The term of office of one of the members first appointed shall end on March 1st, 1925, of another first appointed on March 1st, 1927, and of the third first appointed on March 1st, 1929. Each succeeding member shall hold his office for the term of six years, and until his successor shall have been appointed and qualified. In case of a vacancy the person appointed to fill such vacancy shall hold office for the unexpired term in which the vacancy occurs. The qualifications and salaries of the members of the state board of equalization shall be as provided by law, provided, however, that such members shall be so selected that the board will not be composed of more than two persons who are affiliated with the same political party or organization; provided, further, that each member shall devote his entire time to the duties of the office and shall not hold any position of trust or profit, or engage in any occupation or business interfering or inconsistent with his duties as a member of such board, or serve on or under any committee of any political party or orga-~~

~~nization, or take part, either directly or indirectly, in any political campaign in the interest of any political party or organization or candidate for office. The state board of equalization shall adjust and equalize the valuation of taxable property among the several counties, and the different classes of taxable property in any county and in the several counties and between individual taxpayers, supervise and review the acts of the county assessors and county boards of equalization; change, increase, or decrease valuations made by county assessors or equalized by county boards of equalization; and exercise such authority and do all things necessary to secure a fair, just and equitable valuation of all taxable property among counties, between the different classes of property, and between individual taxpayers. Said state board of equalization shall also have such other powers, and perform such other duties relating to taxation as may be prescribed by law."~~

Section 2. Article XII, Section 16 of the present Constitution which reads as follows, is repealed:

~~"Sec. 16. All property shall be assessed in the manner prescribed by law except as is otherwise provided in this constitution. The franchise, roadway, roadbed, rails and rolling stock of all railroads operated in more than one county in this state shall be assessed by the state board of equalization and the same shall be apportioned to the counties, cities, towns, townships and school districts in which such railroads are located, in proportion to the number of miles of railway laid in such counties, cities, towns, townships and school districts."~~

Section 3. Article XII, Section 17 of the present Constitution is amended to read as follows:

"Sec. 17. The word property as used in this article is hereby declared to include moneys, credits, bonds, stocks, franchises and all matters and things. ~~(real, personal and mixed) capable of private ownership, but this shall not be construed so as to authorize the taxation of the stocks of any company or corporation when the property of such company or corporation represented by such stocks is within the state and has been taxed.~~"

INTRODUCED BY: /s/ Frank Arness

/s/ Chet Blaylock

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 135

DATE INTRODUCED: FEB. 3, 1972

Referred to Natural Resources and Agriculture Committee

XVII, 1, 2, 3

A PROPOSAL AMENDING ARTICLE XVII, SECTION 1 AND REPEALING SECTIONS 2 AND 3 OF THAT ARTICLE OF THE CONSTITUTION OF THE STATE OF MONTANA PROVIDING FOR THE EXCHANGE OF PUBLIC LANDS.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. Article XVII, Section 1 of the present Constitution is amended to read as follows:

"Section 1. All lands of the state that have been, or that may hereafter be granted to the state by congress, and all lands acquired by gift or grant or device, from any person or corporation, shall be public lands of the state, and shall be held in trust for the people, to be disposed of as hereafter provided, for the respective purposes for which they have been or may be granted, donated or devised; and none of such land, nor any estate or interest therein, shall ever be disposed of except in pursuance of general laws providing for such disposition, nor unless the full market value of the estate or interest disposed of, to be ascertained in such manner as may be provided by law, be paid or safely secured to the state~~;~~. Any of said lands may be exchanged for other lands, public or private, which are equal in value and as closely as possible equal in area. ~~nor shall any lands which the state holds by grant from the United States (in any case in which the manner of disposal and minimum price are so prescribed) be disposed of, except in the manner and for at least the price prescribed in the grant thereof, without the consent of the United States. Said lands shall be classified by the board of land commissioners, as follows: First, lands which are valuable only for grazing purposes. Second, those which are principally valuable for the timber that is on them. Third, agricultural lands. Fourth, lands within the limits of any town or city or within three (3) miles of such limits, provided, that any of said~~

~~lands--may--be--re-classified--whenever,--by--reason-of-increased facilities-for-irrigation-or-otherwise,-they-shall-be-subject--to different-classification.~~"

Section 2. Article XVII, Section 2 of the present Constitution, which reads as follows, is repealed:

~~"Sec.-2.--The-lands-of-the-first-of-said-classes-may-be-sold or--leased,-under-such-rules-and-regulations-as-may-be-prescribed by-law.-The-lands-of-the-second-class-may-be--sold,-or-the-timber thereon-may-be-sold,-under-such-rules-and-regulations-as--may--be prescribed--by--law.-The-agricultural-lands-may-be-either-sold-or leased,-under-such-rules-and-regulations-as-may-be-prescribed--by law.--The--lands--of--the-fourth-class-shall-be-sold-in-alternate lots-of-not-more-than-five-acres-each,-and-not-more-than-one-half of-any-one-tract-of-such-lands-shall-be-sold-prior--to--the--year one-thousand-nine-hundred-and-ten-(1910).~~"

Section 3. Article XVII, Section 3 of the present Constitution, which reads as follows, is repealed:

~~"Sec.-3.--All--other-public-lands-may-be-disposed-of-in-such manner-as-may-be-provided-by-law.~~"

INTRODUCED BY: /s/ Carl M. Davis

/s/ Max Conover

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 136

DATE INTRODUCED: FEB. 3, 1972

Referred to Legislative Committee

Referred to Executive Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL ARTICLE PROVIDING FOR A PARLIAMENT.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. LEGISLATIVE POWER. The legislative power of the state shall be vested in a Parliament consisting of one chamber; but the people reserve to themselves the initiative, including the right to amend this Constitution, and referendum powers.

Section 2. MEMBERSHIP. The number of members of the Parliament shall be prescribed by law but shall consist of not less than 100 nor more than 110. The state shall be divided into as many districts as there are members of the parliament and each district shall elect one member.

Section 3. TERM AND QUALIFICATIONS. Members of Parliament shall serve a term of four (4) years. One-half of the members shall be elected every two (2) years. No person shall be a member of Parliament who is not a qualified voter of the state and who has not resided in the state for more than one (1) year next preceding his election.

Section 4. SESSIONS. Parliament shall convene the first Monday of February of each year and shall continue until adjournment. It may reconvene at any time at the request of a majority of Parliament.

Section 5. EXECUTIVE. Parliament shall choose a leader from among its members and that leader shall assume the executive authority of the state and shall provide for the proper administration of the laws of the state. The leader shall appoint a cabinet who shall assist the leader in directing the efforts of the departments of executive authority.

Section 6. DISSOLUTION. (a) At any time during a parliamentary session, the leader may call for a dissolution of parliament. Upon a majority vote pursuant to this call, the parliament shall be dissolved and new elections shall be held according to law.

(b) At any time during a parliamentary session, a majority of the members of parliament may call for dissolution of the parliament. Upon a two-thirds (2/3) vote, pursuant to this call, the parliament shall be dissolved and new elections shall be held according to law.

Section 7. PROCEEDINGS. A majority of all of the members of Parliament shall constitute a quorum to do business but a smaller number may adjourn from day to day to compel the attendance of absent members. Parliament may establish committees for the conduct of business and all committee meetings shall be open to the public and adequate public notice shall be given in advance of such meetings. Members of minority parties shall be appointed to committees by their own leadership in proportion to the numerical strength of said party.

Section 8. RECORDATION. Parliament shall have the power to determine the rules of its proceedings and shall publish a journal of those proceedings. Upon the final disposition of any question the ayes and nays must be recorded if requested by any two (2) members.

Section 9. Any powers not specifically reserved herein are granted to the Parliament.

INTRODUCED BY: /s/ Robert Lee Kelleher

/s/ Paul K. Harlow
/s/ George B. Heliker
/s/ Miles Romney
/s/ Lucile Speer
/s/ Dorothy Eck
/s/ Lyle E. Monroe
/s/ Edith Van Buskirk
/s/ Harold Arbanas
/s/ Katie Payne
/s/ Gene Harbaugh
/s/ J. K. Ward
/s/ Virginia H. Blend
/s/ A. W. Kamhoot
/s/ Marjorie Cain
/s/ Jean M. Bowman
/s/ Richard J. Champoux
/s/ Carman Skari
/s/ Robert Vermillion

DELEGATE PROPOSAL
No. 136 - Parliament

/s/ George W. Rollins

/s/ W. H. Swanberg

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 137

DATE INTRODUCED: FEB. 3, 1972

Referred to Judiciary Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING THAT UNEMPLOYMENT AND INDUSTRIAL ACCIDENT BENEFITS BE APPLIED CONSISTENTLY, WITHOUT REGARD TO THE TYPE OF EMPLOYMENT.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. Unemployment compensation, industrial accident benefits and any other benefits to which a wage earner is entitled shall be available on an equal basis to all wage earners regardless of the nature of their employment."

INTRODUCED BY: /s/ Mike McKeon

/s/ Dan W. Harrington

DELEGATE PROPOSAL
No. 138 - Minimum Wage

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 138

DATE INTRODUCED: FEB. 3, 1972

Referred to Public Health, Welfare and Labor Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING FOR A MANDATORY MINIMUM WAGE LAW.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ____. The legislature shall provide for a minimum hourly wage which shall apply without exception to all persons employed within the state."

INTRODUCED BY: /s/ Mike McKeon

/s/ Dan W. Harrington

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 139

DATE INTRODUCED: FEB. 3, 1972

Referred to General Government and Constitutional Amendment Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING THAT PRESENT STATE INSTITUTIONS MAY NOT BE REMOVED FROM THEIR PRESENT LOCATIONS.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. No state institution, agency or office may be moved from the city or town in which the institution, agency or office is located at the time of the adoption of this Constitution."

INTRODUCED BY: /s/ Mike McKeon

DELEGATE PROPOSAL
No. 140 - Legislative Article

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 140

DATE INTRODUCED: FEB. 4, 1972

Referred to Legislative Committee

A PROPOSAL FOR A NEW LEGISLATIVE ARTICLE

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Article to provide as follows:

"ARTICLE

THE LEGISLATURE

Section 1. LEGISLATIVE POWER. The legislative power of the state shall be vested in a legislature consisting of a senate and a house of representatives; but the people reserve to themselves the power of initiative and referendum.

Section 2. COMPOSITION. (1) The number of members of the legislature shall be prescribed by law but the senate shall consist of not more than fifty (50) nor less than thirty-five (35) and the house of not more than one hundred (100) nor less than seventy-five (75).

(2) The state shall be divided into as many senatorial districts as there shall be members of the senate and each district shall elect one (1) senator. All senatorial districts shall be so nearly equal in population as is practicable.

(3) Each senate district shall also serve as a house district for the election of two (2) members of the house of representatives. Each district may be divided into single member house districts as provided by law.

(4) Every legislative district shall consist of compact and contiguous territory.

Section 3. TERM AND QUALIFICATIONS OF MEMBERS.

(1) Members of the legislature shall be elected by the qualified voters of the district. Representatives shall be elected for a term of two (2) years and senators for a term of four (4) years. One-half (1/2) of the senators shall be elected every two (2) years. No person shall be a member of the legislature who is not a qualified voter of the district. The term shall begin at the time of certification. No senator or representative, during the term for which he shall have been elected, be appointed to any civil office under the state.

(2) A vacancy in the legislature shall be filled for the unexpired term as provided by law. If no provision is made, the Governor shall fill the vacancy by appointment.

Section 4. COMPENSATION. (1) Each member of the legislature shall receive an annual salary and such allowances as may be prescribed by law; provided that no legislative assembly shall fix its own compensation.

(2) A salary commission shall be created by the legislature, to establish legislators' compensation.

Section 5. PRIVILEGES OF MEMBERS. The members of the legislature shall in all cases, except treason, felony, violation of their oath of office and breach of the peace, be privileged from arrest during their attendance at the sessions of their respective houses and in going to and returning from the same; and for any speech or debate in the legislature they shall not be questioned in any other place.

Section 6. SESSIONS. (1) The legislative assembly shall meet at the seat of government the first Monday in January next succeeding the general election.

(2) At the written request of a majority of the total members of both houses, the presiding officers of both houses shall convene the legislature in special session. The Governor may convene both houses in special session. (Special sessions shall be limited to a period of thirty (30) days.)

Section 7. PROCEDURE. Except for the following, each house shall have power to determine the rules of its proceedings and discipline its members; and with concurrence of two-thirds (2/3), to expel a member:

(1) A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members.

(2) Neither house shall, without the consent of the other, adjourn for more than three (3) days, nor to any other place than that in which the two (2) houses shall be sitting.

(3) Each house shall choose its officers and shall be judge of the elections, returns, and qualifications of its members.

(4) The sessions of each house and all committee meetings shall be open to the press and public.

(5) Each house shall publish a journal of its proceedings, and the ayes and nays of any question shall be entered on the journal at the request of any two (2) members.

Section 8. BILLS. (1) No law shall be passed except by bill and no bill shall be so altered or amended on its passage through either house as to change its original purpose.

(2) No bill shall become law unless referred to a committee, returned therefrom, and copies provided for member's use.

(3) No bill, except general appropriation bills and bills for the codification and general revision of the laws shall be passed containing more than one subject.

(4) The general appropriation bills shall embrace nothing but appropriations for the ordinary expenses of the legislative, executive and judicial departments of the state, interest on the public debt and for public schools.

(5) No bill shall become a law except by a vote of a majority of all the members present in each house; nor unless the names of those voting be entered on the journal; and no law shall be revised, amended or extended, unless the revised, amended or extended part is re-enacted and published at length.

Section 9. RESTRICTIONS ON LEGISLATIVE POWER. (1) The legislature shall not pass local or special laws where a general law is or can be made applicable.

(2) Except as otherwise provided in this constitution, no law shall extend the term of any public officer.

(3) No appropriation shall be made for charitable, industrial, educational or benevolent purposes to any person, corporation or community not under the absolute control of the state, nor to any denominational or sectarian institution or association.

Section 10. IMPEACHMENT. The Governor, executive officers, heads of principal departments, judicial officers and such other officers as may be made subject to impeachment by law may be removed from office upon conviction of impeachment.

The legislature shall, by law, provide for the manner, procedure and causes for removal by impeachment and may select itself as tribunal.

No conviction for impeachment shall be made except by a vote of two-thirds (2/3) or more of the members of the tribunal hearing the charges.

Such conviction shall only extend to removal from office and disqualification to hold and enjoy any office under the state, but the party, whether convicted or acquitted, shall also be liable to prosecution according to law.

Section 11. REFERENDUM AND RECALL. The people may propose and enact laws by the initiative, including constitutional amendments and approve or reject acts of the legislature by referendum.

(1) Initiative petitions must be signed by eight percent (8%) or more of the legal voters in each of one-fourth (1/4) or more of the legislative districts and the total number of signers must be eight percent (8%) or more of the (total legal) voters of the state. Each petition must contain the full text of the proposed measure and shall be confined to one subject. Petitions must be filed with the secretary of state three (3) months or more prior to the election at which they will be voted upon.

(2) A referendum may be ordered by the legislative assembly, or upon petitions signed by eight percent (8%) or more of the legal voters in each of one-fourth (1/4) or more of the legislative districts and the total number of signers must be eight percent (8%) or more of the total legal voters of the state. Petitions must be filed with the secretary of state no later than three (3) months after adjournment of the legislature.

(3) All measures referred to the people shall be voted upon at the regular biennial election unless a special election is ordered by the legislature.

(4) Measures referred to the people are in full force and effect unless suspended by petitions signed by fifteen percent (15%) or more of the (legal voters) in each legislative district and filed with the secretary of state. The measures suspended become operative if approved by a majority of the (legal voters) at an election.

(5) The number of legal voters for each legislative district and for the state is determined by the votes cast for Governor in the regular election immediately preceding filing of petitions for initiative or referendum.

(6) The Governor does not have the power to veto initiative or referendum measures.

(7) The initiative shall not be used to make or repeal

appropriations or to enact local or special legislation. The referendum shall not be applied to appropriations, to local or special legislation or to laws necessary for the immediate preservation of the public peace, health or safety.

(8) All elected public officials in the state are subject to recall by the voters of the state or political subdivision from which elected. Procedure and grounds for recall shall be prescribed by the legislature.

Section 12. APPORTIONMENT. In the session preceding each federal decennial census a reapportionment commission shall be established by the state legislature. The commission will have the power to reapportion if the legislature fails to do so within sixty (60) days of the first day of the first (1st) session after the census enumeration. The commission's apportionment plan shall be filed with the secretary of state. The commission shall be balanced geographically and politically. Legislators may serve on the commission but shall not be in the majority.

(1) Any person aggrieved by the preliminary plan shall have thirty (30) days to file exceptions with the commission in which case the commission shall have thirty (30) days after the date the exceptions were filed to prepare and file a revised plan. If no exceptions were filed within thirty (30) days, or if filed and acted upon, the commission's plan shall be final and have the force of law.

(2) Any aggrieved person may file an appeal from the plan directly to the supreme court within thirty (30) days after the filing. If the appellant establishes that the final plan is contrary to law, the supreme court shall issue an order remanding the plan to the commission and directing the commission to reapportion and redistrict in a manner not inconsistent with such order.

(3) When the supreme court has finally decided an appeal taken, the reapportionment plan shall have the force of the law and the districts shall be used thereafter in elections to the legislature until the next reapportionment is required.

Section 13. EMERGENCY LEGISLATION. The legislature, in order to insure continuity of state and local governmental operations in a period of emergency resulting from a disaster caused by enemy attack may enact laws:

(1) To provide for prompt and temporary succession to the powers and duties of elected and appointed public officers who are killed or incapacitated.

(2) To adopt other measures that may be necessary to insure the continuity of governmental operations. Such laws shall be effective only during the emergency that affects a particular

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office or governmental operation, and such laws may deviate from other provisions of the Montana Constitution."

INTRODUCED BY: /s/ Grace Bates

/s/ Charles H. Mahoney
/s/ Torrey Johnson
/s/ Mark Etchart
/s/ Marjorie Cain
/s/ A. W. Kamhoot
/s/ Rod Hanson
/s/ R. J. Studer, Sr.
/s/ Arnold W. Jacobsen
/s/ John H. Anderson, Jr.
/s/ C. Louise Cross
/s/ Henry Siderius
/s/ Betty Babcock
/s/ Wm. H. Artz
/s/ Frank Arness
/s/ M. Driscoll

/s/ Chet Blaylock
/s/ R. A. Nutting
/s/ Lloyd Barnard
/s/ John M. Schiltz
/s/ J. K. Ward
/s/ J. Mason Melvin
/s/ George H. James
/s/ Erv Gysler
/s/ Max Conover
/s/ Don E. Belcher
/s/ Thomas M. Ask
/s/ Cedor B. Aronow
/s/ Sterling Rygg
/s/ Douglas Delaney

DELEGATE PROPOSAL
No. 141 - Legislature, Salaries

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 141

DATE INTRODUCED: FEB. 4, 1972

Referred to Legislative Committee

V, 5

A PROPOSAL AMENDING ARTICLE V, SECTION 5 OF THE CONSTITUTION OF THE STATE OF MONTANA PROVIDING FOR LEGISLATIVE SALARIES.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. Article V, Section 5 of the present Constitution is amended to read as follows:

"Sec. 5. ~~Each member of the first legislative assembly, as a compensation for his services shall receive six dollars for each day's attendance, and twenty cents for each mile necessarily traveled in going to and returning from the seat of government to his residence by the usually traveled route, and shall receive no other compensation, prerequisite, or allowance whatsoever.~~

~~No session of the legislative assembly, after the first, which may be ninety days, shall exceed sixty days.~~

~~After the first session, the compensation of the members of the legislative assembly shall be as provided by law; provided, that no legislative assembly shall fix its own compensation.~~

(1) Each member of the legislature shall receive an annual salary and expense allowance as provided by law. No legislature may fix its own compensation.

(2) The legislative salary shall be at least two thousand five hundred dollars ($2,500) a biennium and the expense allowance shall be at least twenty dollars ($20) a day. The salary and expense figures may be adjusted by a salary commission established by the legislature."

INTRODUCED BY: /s/ Grace Bates

/s/ Wm. H. Artz

/s/ Lloyd Barnard

/s/ Chet Playlock

DELEGATE PROPOSAL
No. 142 - Board of Public Education

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 142

DATE INTRODUCED: FEB. 4, 1972

Referred to Education and Public Lands Committee

XI, 11

A PROPOSAL AMENDING ARTICLE XI, SECTION 11 OF THE CONSTITUTION OF THE STATE OF MONTANA PROVIDING THAT A BOARD OF PUBLIC EDUCATION SUPERVISE THE PUBLIC SCHOOLS AND A SEPARATE BOARD OF REGENTS GOVERN THE MONTANA UNIVERSITY SYSTEM; THAT THE TWO BOARDS MEETING JOINTLY BE CALLED THE STATE BOARD OF EDUCATION AND ELECT THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION AND THAT THE FUNDS OF THE UNIVERSITY SYSTEM BE INVESTED BY THE BOARD OF REGENTS.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. Article XI, Section 11 of the present Constitution is amended to read as follows:

"Sec. 11. ~~The general control and supervision of the state university and the various other state educational institutions shall be vested in a state board of education, whose powers and duties shall be prescribed and regulated by law. The said board shall consist of eleven members, the Governor, state superintendent of public instruction, and attorney general, being members ex officio; the other eight members thereof shall be appointed by the Governor; subject to the confirmation of the senate, under the regulations and restrictions to be provided by law.~~

(1) The general control and supervision of the public schools of the state of Montana shall be vested in a board of public education, whose powers and duties shall be prescribed and regulated by law. The members of the board shall be selected as provided herein.

(2) The government and control of the academic, financial and administrative affairs of the Montana University System shall be vested in a board of regents, who shall be selected as provided herein. The regents shall have the power, and it shall be

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their duty, to govern the university system as a public trust, in a manner consistent with the general laws of Montana. The legislature shall pass no law which infringes upon, diminishes or transfers to another body any of the authority provided by this section.

(3) The board of public education and the board of regents shall each consist of eight (8) members, serving terms whose length shall be prescribed by law. Members of both boards shall be appointed by the Governor, subject to confirmation by the senate.

(4) The state superintendent of public instruction shall be elected by majority vote of the board of public education and the board of regents, meeting together as the State Board of Education. The superintendent shall be solely responsible to and shall serve as chairman of both boards and shall serve at the pleasure of the State Board of Education."

Section 2. There shall be a new Constitutional Section to provide as follows:

"Section ___. The various funds of the university system shall forever remain inviolate and sacred to the purposes for which they were dedicated and shall be invested as determined by the board of regents."

INTRODUCED BY: /s/ Toole

DELEGATE PROPOSAL
No. 143 - Free Public Education

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 143

DATE INTRODUCED: FEB. 4, 1972

Referred to Education and Public Lands Committee

XI, 1, 6

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION COMBINING SECTIONS 1 AND 6 OF ARTICLE XI OF THE PRESENT CONSTITUTION.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. It shall be the duty of the legislative assembly of Montana to establish and maintain a general, uniform, and thorough system of free public education open to all persons of such ages and qualifications as may be established by law."

Section 2. Article XI, Section 1 of the present Constitution, which reads as follows, is repealed:

~~"Section 1. It shall be the duty of the legislative assembly of Montana to establish and maintain a general, uniform and thorough system of public, free, common schools."~~

Section 3. Article XI, Section 6 of the present Constitution, which reads as follows, is repealed:

~~"Section 6. It shall be the duty of the legislative assembly to provide by taxation, or otherwise, sufficient means, in connection with the amount received from the general school fund, to maintain a public, free common school in each organized district in the state, for at least three months in each year."~~

INTRODUCED BY: /s/ Toole

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 144

DATE INTRODUCED: FEB. 4, 1972

Referred to General Government and Constitutional Amendment Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING FOR A MERIT SYSTEM.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. MERIT SYSTEM. The legislature shall establish a system under which the merit principal will govern the employment of persons by the state."

INTRODUCED BY: /s/ Jerome T. Loendorf

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 145

DATE INTRODUCED: FEB. 4, 1972

Referred to Judiciary Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING THAT MEMBERSHIP IN AN EMPLOYEES' RETIREMENT SYSTEM IS A CONTRACTUAL RELATIONSHIP.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. Membership in any employees' retirement system of the state or any political subdivision thereof is a contractual relationship, the accrued benefits of which shall not be diminished or impaired."

INTRODUCED BY: /s/ Jerome T. Loendorf

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 146

DATE INTRODUCED: FEB. 4, 1972

Referred to Education and Public Lands Committee

A PROPOSAL AMENDING ARTICLE XI, SECTION 11 OF THE CONSTITUTION OF THE STATE OF MONTANA PROVIDING FOR A TWELVE MEMBER BOARD OF REGENTS TO BE APPOINTED BY THE GOVERNOR FROM NOMINEES SELECTED BY A NOMINATING COMMITTEE.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. Article XI, Section 11 of the present Constitution is amended to read as follows:

"Sec. 11. The general control and supervision of the state university system and the various other state educational institutions shall be vested in a state board of ~~education~~ regents, whose powers and duties shall be prescribed and regulated by law. The ~~said~~ board shall consist of ~~eleven~~ twelve (12) members~~, the Governor, state superintendent of public instruction, and attorney general, being members ex officio; the other eight members thereof shall be appointed by the Governor, subject to the confirmation of the senate, under the regulations and restrictions to be provided by law~~, who shall serve for six (6) year overlapping terms, two (2) members to be appointed each year. The Governor shall appoint each member from a list of names submitted by a nominating committee. The nominating committee shall consist of five (5) members serving two (2) year terms as follows:

(1) Three (3) citizens appointed by the education committee or committees of the legislature;

(2) One (1) professor from the Montana university system selected as provided by law.

(3) One student from the Montana university system selected as provided by law."

DELEGATE PROPOSAL
No. 146 - Board of Regents

INTRODUCED BY: /s/ Daphne Eugbee

/s/ Dorothy Fox

/s/ Marjorie Cain

/s/ John H. Toole

/s/ Mae Nan Robinson

/s/ Fred J. Martin

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 147

DATE INTRODUCED: FEB. 4, 1972

Referred to General Government and Constitutional Amendment Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING THAT DELEGATES TO NATIONAL NOMINATING CONVENTIONS BE CHOSEN AT A PRESIDENTIAL PRIMARY.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. Delegates and alternate delegates selected to represent political parties at the national presidential nominating convention shall be chosen by a vote of the people at a presidential primary election to be provided for by the legislature."

INTRODUCED BY: /s/ Jerome J. Cate

/s/ Arlyne Reichert

/s/ Harold Arbanas

/s/ Geoffrey L. Brazier

/s/ Dan W. Harrington

DELEGATE PROPOSAL
No. 148 - Employment Rights

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 148

DATE INTRODUCED: FEB. 4, 1972

Referred to Public Health, Welfare and Labor Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING FOR FULL EMPLOYMENT OF ABLE BODIED PERSONS.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. The state and its political subdivisions shall be the employers of last resort, and shall provide to those involuntarily unemployed employment consistent with their dependency and ability to work."

INTRODUCED BY: /s/ Joseph H. McCarvel

/s/ Wm. H. Artz

/s/ George W. Rollins

/s/ Arnold W. Jacobsen

/s/ Veronica Sullivan

/s/ W. H. Swanberg

/s/ D. A. Scanlin

/s/ Charles H. Mahoney

/s/ Peter "Pete" Icrello

/s/ Edith Van Buskirk

/s/ Wade J. Dahood

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 149

DATE INTRODUCED: FEB. 4, 1972

Referred to Judiciary Committee

XX, 4

A PROPOSAL AMENDING ARTICLE XX, SECTION 4 OF THE CONSTITUTION OF THE STATE OF MONTANA PROVIDING FOR A PROBATE COURT SYSTEM.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. Article XX, Section 4 of the present Constitution is amended to read as follows:

"Sec. 4. ~~Except as herein otherwise provided, the word "district" shall be substituted and read in lieu of the word "probate" in the terms "probate court" or "probate judge" whenever the same occur in the laws of the territory of Montana, and all said laws which by their terms apply to probate courts or probate judges shall, except as in this constitution otherwise provided, upon a change from territorial to state government, be deemed and taken to apply to district courts and district judges; provided, that all laws allowing fees to probate judges are hereby repealed.~~ There is a probate court system within the district court system to be presided over by district court judges for no extra fee or salary. The legislature shall provide inexpensive and rapid procedures for probating and administering estates."

INTRODUCED BY: /s/ Mike McKeon

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 150

DATE INTRODUCED: FEB. 4, 1972

Referred to Legislative Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING FOR THE OFFICE OF PEOPLE'S ADVOCATE.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. PEOPLE'S ADVOCATE. 1. The majority and minority leaders of the legislature shall appoint a People's Advocate.

2. The People's Advocate shall: (a) initiate or receive complaints from citizens concerning administrative, judicial, or legislative actions which might be contrary to law, unreasonable or unfair, inefficient or unclear, improperly motivated or based on irrelevant or arbitrary findings of fact, or otherwise objectionable.

(b) have the power to investigate and inspect all governmental premises, meetings, and records; to issue subpoenas; and to demand full cooperation of government officials and others in his investigations. He may advise or censure officials, suggest changes in policy and procedure, refer alleged violations of laws to the attorney general for further investigation, and recommend to the legislature possible changes in the law.

(c) receive the same emoluments as an associate justice of the Supreme Court.

(d) hold office for a maximum of three five (5) year terms and be dismissed only by a two-thirds (2/3) vote of the legislature."

INTRODUCED BY: /s/ Robert Lee Kelleher

/s/ Dorothy Eck

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 151

DATE INTRODUCED: FEB. 4, 1972

Referred to Bill of Rights Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING FOR THE RIGHTS OF INDIANS.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. RIGHTS OF INDIANS. The state of Montana forever disclaims all right and title to Indian lands lying within the boundaries of the state. The Indian tribal rights of self-government and cultural autonomy are hereby recognized; accordingly the state shall pass no law assuming jurisdiction over Indian tribes without a referendum of the adult enrolled members on the reservation of the affected tribe."

INTRODUCED BY: /s/ Lyle R. Monroe

/s/ D. A. Scanlin

/s/ Edith Van Buskirk

/s/ Robert Vermillion

/s/ Rae Nan Robinson

/s/ Frank Arness

/s/ Arlyne Reichert

/s/ Carman Skari

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 152

DATE INTRODUCED: FEB. 4, 1972

Referred to General Government and Constitutional Amendment Committee

A PROPOSAL TO REPEAL ARTICLE XIV OF THE CONSTITUTION OF THE STATE OF MONTANA.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. Article XIV of the present Constitution, which reads as follows, is repealed:

~~"ARTICLE XIV~~

~~MILITARY AFFAIRS~~

~~Section 1. The militia of the state of Montana shall consist of all able bodied male citizens of the state between the ages of eighteen (18) and forty five (45) years inclusive, except such persons as may be exempted by the laws of the state or of the United States.~~

~~Section 2. The legislative assembly shall provide by law for the organization, equipment, and discipline of the militia, and shall make rules and regulations for the government of the same. The organization shall conform as nearly as practicable to the regulations for the government of the armies of the United States.~~

~~Section 3. The legislative assembly shall provide by law for maintaining the militia, by appropriations from the treasury of the state.~~

~~Section 4. The legislative assembly shall provide by law for the safe keeping of the public arms, military records, relics and banners of the state.~~

~~Section 5. When the Governor shall, with the consent of the legislative assembly, be out of the state in time of war, at the~~

DELEGATE PROPOSAL
No. 152 - Military Affairs

~~head--of--any-military-force-thereof,-he-shall-continue-commander in-chief-of-all-the-military-forces-of-the-state.~~"

INTRODUCED BY: /s/ Mike McKeon

/s/ Jerome T. Icendorf

/s/ Bob Campbell

/s/ Mae Nan Robinson

/s/ Don Foster

/s/ Arlyne Reichert

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 153

DATE INTRODUCED: FEB. 4, 1972

Referred to Bill of Rights Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION IN THE BILL OF RIGHTS TO PROVIDE FOR FREE CARE AT STATE INSTITUTIONS.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section in the Bill of Rights to provide as follows:

"Section ___. No person shall be charged a fee when he or she is an inmate of a state institution nor shall his or her family be charged a fee."

INTRODUCED BY: /s/ David L. Holland

/s/ Mike McKeon

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 154

Introduced by Blaylock

Withdrawn before introduction

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 155

DATE INTRODUCED: FEB. 4, 1972

Referred to Judiciary Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING FOR A PROBATE ADMINISTRATOR IN EACH COUNTY.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. PROBATE ADMINISTRATOR. The district judge shall appoint in each county or judicial district a probate administrator who is an attorney admitted to practice law in Montana. The probate administrator shall assist county or judicial district citizens in probating or administering estates. The legislature shall set the salary of the probate administrator."

INTRODUCED BY: /s/ Archie C. Wilson

/s/ A. W. Kamhoot

/s/ George W. Rollins

/s/ Henry Siderius

/s/ Charles H. Mahoney

/s/ Rod Hanson

/s/ Erv Gysler

/s/ Torrey Johnson

/s/ R. F. Woodmansey

/s/ Edith Van Buskirk

/s/ J. K. Hard

/s/ Douglas Delaney

/s/ R. S. Hanson

/s/ Earl Berthelson

/s/ M. Lynn Sparks

/s/ Max Conover

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 156

DATE INTRODUCED: FEB. 4, 1972

Referred to Local Government Committee

XVI, 5

A PROPOSAL AMENDING ARTICLE XVI, SECTION 5 OF THE CONSTITUTION OF THE STATE OF MONTANA PROVIDING FOR ELECTION OF SHERIFFS.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. Article XVI, Section 5 of the present Constitution is amended to read as follows:

"Sec. 5. There shall be elected in each county ~~the following county officers who shall possess the qualifications for suffrage prescribed by section 2 of article IX of this constitution and such other qualifications as may be prescribed by law:~~

~~One county clerk who shall be clerk of the board of county commissioners and ex officio recorder;~~ one sheriff who is 23 years of age or older and possesses any other qualifications prescribed by law~~;~~. ~~one treasurer, who shall be collector of the taxes, provided, that the county treasurer, shall not be eligible to his office for the succeeding term; one county superintendent of schools; one county surveyor; one assessor; one coroner; one public administrator. Persons elected to the different offices named in this section shall hold their respective offices for the term of four (4) years, and until their successors are elected and qualified. Vacancies in all county, township and precinct offices, except that of county commissioners, shall be filled by appointment by the board of county commissioners, and the appointee shall hold his office until the next general election; provided, however, that the board of county commissioners of any county may, in its discretion, consolidate any two or more of the within named offices and combine the powers and the duties of the said offices consolidated; however, the provisions hereof shall not be construed as allowing one (1) office incumbent to be entitled to the salaries and emoluments of two (2) or more offices; provided, further, that in consolidating county offices, the~~

~~board of county commissioners shall, six (6) months prior to the general election held for the purpose of electing the aforesaid offices, make and enter an order, combining any two (2) or more of the within named offices, and shall cause the said order to be published in a newspaper, published and circulated generally in said county, for a period of six (6) weeks next following the date of entry of said order.~~"

INTRODUCED BY: /s/ J. Mason Melvin

DELEGATE PROPOSAL
No. 157 - Liquor Monopoly

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 157

DATE INTRODUCED: FEB. 4, 1972

Referred to General Government and Constitutional Amendment Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING THAT THE STATE SHALL NOT ENGAGE IN COMPETITIVE BUSINESSES SO AS TO CREATE A MONOPOLY AND MUST CEASE THE LIQUOR BUSINESS BY JULY 1, 1975.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. The state of Montana shall never monopolize what would otherwise be a competitive business. The legislature shall provide that the state of Montana cease the business of buying and selling liquor before July 1, 1975."

INTRODUCED BY: /s/ Torrey Johnson

/s/ Lyle R. Monroe

/s/ George H. James

/s/ A. W. Kambest

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 158

DATE INTRODUCED: FEB. 4, 1972

Referred to Legislative Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING FOR A CONFERENCE COMMITTEE REPORT RULE.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. The legislature shall adopt and use joint rules. One rule shall require that each report of a conference committee contain a lucid explanation of committee recommendations and be duplicated and distributed to each legislator twenty-four (24) hours before action may be taken on such report."

INTRODUCED BY: /s/ Miles Romney

DELEGATE PROPOSAL
No. 159 - Supreme Court

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 159

DATE INTRODUCED: FEB. 4, 1972

Referred to Judiciary Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING THAT THE SUPREME COURT CANNOT DECLARE CERTAIN ACTS OF PARLIAMENT UNCONSTITUTIONAL.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to read as follows:

"Section ___. The Supreme Court may not declare any act of parliament unconstitutional except insofar as it may violate the rights of an individual."

INTRODUCED BY: /s/ Robert Lee Kelleher

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 160

DATE INTRODUCED: FEB. 4, 1972

Referred to Bill of Rights Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING FOR THE RIGHT OF EMPLOYEES.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. RIGHTS OF EMPLOYEES. No employer shall deny or infringe on the rights of employees to participate in the political process."

INTRODUCED BY: /s/ Lyle E. Monroe

/s/ Rod Hanson

/s/ Veronica Sullivan

/s/ Rachell K. Mansfield

/s/ George H. James

/s/ Bob Campbell

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 161

DATE INTRODUCED: FEB. 4, 1972

Referred to Revenue and Finance Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL ARTICLE ON TAXATION AND FINANCE.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Article to provide as follows:

"ARTICLE ___

TAXATION AND FINANCE

Section 1. The necessary revenue for the support and maintenance of the state shall be provided by the legislative assembly.

Section 2. The power of taxation shall never be surrendered, suspended or contracted away.

Section 3. Property of the United States, the state, counties, cities, towns, school districts, municipal corporations and public libraries shall be exempt from taxation, but any private interest in such property may be taxed.

Section 4. There may be exempt from taxation property used for agricultural and horticultural societies, for educational purposes, places for actual religious worship, hospitals and places of burial not used or held for private or corporate profit, institutions of purely public charity, evidences of debt secured by mortgages of record upon real or personal property in the state of Montana, household goods and furniture, wearing apparel, and other personal property used by the owner for personal and domestic purposes and money, credits, bonds, and stocks.

Section 5. All property in the state of Montana which is to

be taxed shall be assessed in the manner prescribed by law.

Section 6. The legislative assembly shall enact the necessary laws to insure strict accountability of all revenue received and all money spent by the state, counties, cities, towns and municipal corporations within the state.

Section 7. Appropriations by the legislative assembly shall not exceed anticipated revenues during any budget period."

INTRODUCED BY: /s/ Felt

/s/ Jean M. Bowman

/s/ Donald R. Foster

/s/ Russel C. McDonough

/s/ Dave M. Drum

/s/ Jerome J. Cates

DELEGATE PROPOSAL
No. 162 - Environment Article

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 162

DATE INTRODUCED: FEB. 4, 1972

Referred to Natural Resources and Agriculture Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL ARTICLE ON THE ENVIRONMENT.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Article to provide as follows:

"ARTICLE ___

ENVIRONMENT

Section 1. THE PUBLIC TRUST. The state of Montana shall maintain and enhance a high quality environment as the public trust. Such obligation shall apply to all aspects of environmental quality including, but not limited to, air, water, land, wildlife, minerals, forests, and open space. The sole beneficiary of the trust shall be the citizens of Montana, who shall have the duty to maintain and enhance the trust, and the right to enforce it by appropriate legal proceedings against the trustee.

Section 2. CITIZEN SUIT. Citizens of the state shall have the right to protect the quality environment by appropriate legal proceedings against private entities.

Section 3. LEGISLATIVE RESPONSIBILITY. The legislature must provide by law for the implementation and enforcement of such legislation as may be necessary to more fully protect this public trust.

Section 4. EMINENT DOMAIN. Private property shall not be taken, damaged, or the use thereof impaired for public use without prior payment of just compensation to the full extent of the loss. Prior to the condemnation of any such land the individual shall have the right to a judicial determination as to whether the contemplated use is a necessary and public use.

Section 5. PUBLIC USE. The highest of public uses of any property within the state shall be only those uses consistent with a high quality environment; accordingly private and public efforts at the preservation of environmentally significant lands shall be a public use."

INTRODUCED BY: /s/ C. Louise Cross

/s/ Jean M. Bowman

/s/ Mae Nan Robinson

/s/ Mark Etchart

/s/ Jerome J. Cate

/s/ Daphne Bugbee

/s/ George Harper

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 163

DATE INTRODUCED: FEB. 4, 1972

Referred to Judiciary Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING FOR THE RIGHTS OF PERSONS COMMITTED TO STATE FACILITIES.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. RIGHTS OF COMMITTED. The state, recognizing its obligation, shall establish and maintain a system of fair and humane facilities whose aim shall include care, custody and treatment with the ultimate goal of rehabilitation where feasible. Persons committed to such facilities shall retain all rights except those necessarily suspended as a condition of commitment. All rights necessarily suspended shall be restored upon termination of the state's responsibility."

INTRODUCED BY: /s/ Veronica Sullivan

/s/ Thomas F. Joyce

/s/ George H. James

/s/ Chet Blaylock

/s/ Carman Skari

/s/ Grace Bates

/s/ Wade J. Dahood

/s/ Marian S. Erdmann

/s/ Paul K. Harlow

/s/ Lyle R. Monroe

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 164

DATE INTRODUCED: FEB. 4, 1972

Referred to Education and Public Lands Committee

XI, 8

A PROPOSAL AMENDING ARTICLE XI, SECTION 8 OF THE CONSTITUTION OF THE STATE OF MONTANA TO PROVIDE THAT THE SECTION NOT APPLY TO FEDERAL FUNDS FOR NONPUBLIC EDUCATION.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. Article XI, Section 8 of the present Constitution is amended to read as follows:

"Sec. 8. Neither the legislative assembly, nor any county, city, town, or school district, or other public corporations, shall ever make directly or indirectly, any appropriation, or pay from any public fund or moneys whatever, or make any grant of lands or other property in aid of any church, or for any sectarian purpose, or to aid in the support of any school, academy, seminary, college, university, or other literary, scientific institution, controlled in whole or in part by any church, sect or denomination whatever. This section does not apply to federal funds administered by the state for the purpose of nonpublic education."

INTRODUCED BY: /s/ Gene Harbaugh

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 165

DATE INTRODUCED: FEB. 4, 1972

Referred to Bill of Rights Committee

III, 4, 27; XI, 8

A PROPOSAL AMENDING ARTICLE III, SECTIONS 4 AND 27 AND REPEALING ARTICLE XI, SECTION 8 OF THE CONSTITUTION OF THE STATE OF MONTANA PROVIDING FOR EQUAL PROTECTION OF THE LAW AND PROHIBITING SUPPORT OF RELIGIOUS ACTIVITIES BY TAX LEVY OR PROPERTY GRANT.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. Article III, Section 4 of the present Constitution is amended to read as follows:

"Sec. 4. The free exercise and enjoyment of religious profession and worship, without discrimination, shall forever hereafter be guaranteed, and no person shall be denied any civil or political right or privilege on account of his opinions concerning religion~~, but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, excuse acts of licentiousness, by bigamous or polygamous marriage, or otherwise, or justify practices inconsistent with the good order, peace, or safety of the state, or opposed to the civil authority thereof, or of the United States.~~ No person shall be required to attend any place of worship or support any ministry, religious sect, or denomination, against his consent; nor shall any preference be given by law to any religious denomination or mode of worship. No tax in any amount may be levied or grant of property made to support any religious activities or institutions, whatever they may be called or whatever form they may adopt to teach or practice religion."

Section 2. Article III, Section 27 of the present Constitution is amended to read as follows:

"Sec. 27. No person shall be deprived of life, liberty, or property without due process of law~~.~~; nor be denied the equal protection of the law; nor be denied the enjoyment of civil

---

rights or be discriminated against in the exercise thereof because of race, national origin, religion or ancestry."

Section 3. Article XI, Section 6 of the present Constitution, which reads as follows, is repealed:

~~"Sec. 6. Neither the legislative assembly, nor any county, city, town, or school district, or other public corporation, shall ever make directly or indirectly, any appropriation, or pay from any public fund or moneys whatever, or make any grant of lands or other property in aid of any church, or for any sectarian purpose, or to aid in the support of any school, academy, seminary, college, university, or other literary, scientific institution, controlled in whole or in part by any church, sect or denomination whatever."~~

INTRODUCED BY: /s/ Jerome I. Leonard

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 166

DATE INTRODUCED: FEB. 4, 1972

Referred to Local Government Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING FOR LOCAL LEGISLATIVE POWERS FOR CERTAIN COUNTIES.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. POWER OF COUNTIES. Counties that have adopted forms of county government with distinct legislative and executive branches, including, but not limited to, the county manager or county executive systems, shall be municipal corporations and shall possess local legislative power."

INTRODUCED BY: /s/ Katie Payne

MONTANA CONSTITUTIONAL CONVENTION

1972-1972

DELEGATE PROPOSAL NO. 167

DATE INTRODUCED: FEB. 4, 1972

Referred to Bill of Rights Committee

III, 4

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING FOR RELIGIOUS FREEDOM AND REPEALING ARTICLE III, SECTION 4, OF THE CONSTITUTION OF THE STATE OF MONTANA.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. The state of Montana shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

Section 2. Article III, Section 4 of the present Constitution, which reads as follows, is repealed:

~~"Sec. 4. The free exercise and enjoyment of religious profession and worship, without discrimination, shall forever hereafter be guaranteed, and no person shall be denied any civil or political right or privilege on account of his opinions concerning religion, but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, excuse acts of licentiousness, by bigamous or polygamous marriage, or otherwise, or justify practices inconsistent with the good order, peace, or safety of the state, or opposed to the civil authority thereof, or of the United States. No person shall be required to attend any place of worship or support any ministry, religious sect, or denomination, against his consent, nor shall any preference be given by law to any religious denomination or mode of worship."~~

INTRODUCED BY: /s/ Lyle Monroe

DELEGATE PROPOSAL
No. 167 - Religious Freedom

/s/ Jerome J. Cate

/s/ Don Foster

/s/ E. J. Studer, Sr.

/s/ Rachell K. Mansfield

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 168

DATE INTRODUCED: FEB. 4, 1972

Referred to Judiciary Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING FOR THE RIGHTS OF CONVICTED FELONS.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. A person convicted of a felony shall lose only those rights and suffer only those disabilities or disqualifications as are specified by the sentencing court. Upon termination of sentence all rights are restored and all disabilities or disqualifications are removed."

INTRODUCED BY: /s/ Robert Lee Kelleher

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 169

DATE INTRODUCED: FEB. 4, 1972

Referred to Judiciary Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION GUARANTEEING ACCESS TO THE COURTS FOR THE REDRESS OF A WRONG.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. The legislature shall not deprive any citizen of access to the courts for the redress of any grievance or injury."

INTRODUCED BY: /s/ Robert Lee Kelleher

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 170

DATE INTRODUCED: FEB. 4, 1972

Referred to Executive Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL ARTICLE PROVIDING FOR AN EXECUTIVE DEPARTMENT.

BE IT PROPOSED BY THE MONTANA CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

"ARTICLE ____

EXECUTIVE DEPARTMENT

Section 1. The executive department shall consist of a Governor, lieutenant Governor, secretary of state, attorney general, state treasurer, superintendent of public instruction and state auditor, each of whom shall hold office for four (4) years, or until a successor is elected and qualified, beginning on the first Monday of January next succeeding election. The officers of the executive department, excepting the lieutenant Governor, shall during their terms of office reside at the seat of government, where they shall keep the public records. They shall perform such duties as are prescribed by this constitution and by the laws of the state.

Section 2. The officers provided for in Section 1 of this article, shall be elected by the qualified electors of the state at the time and place of voting for members of the legislative assembly, and the persons respectively, having the highest number of votes for the office voted for shall be elected; but if two or more shall have an equal and the highest number of votes for any one of said offices, the two houses of the legislative assembly, at its next regular session, shall by joint ballot, elect one of the persons to the office. The returns of election for the officers named in Section 1 shall be made in a manner prescribed by law, and all contested elections of the same, other than provided for in this section, shall be determined as prescribed by law.

Section 3. No person shall be eligible to the office of Governor, lieutenant Governor or superintendent of public

instruction unless he has attained the age of thirty (30) years at the time of his election, nor to the office of secretary of state, state auditor, or state treasurer, unless he has attained the age of twenty-five (25) years, nor to the office of attorney general unless he has attained the age of thirty (30) years, and has been admitted to practice in the supreme court of the state, of Montana, and be in good standing at the time of his election. In addition to the qualifications above prescribed, each of the officers named shall be a citizen of the United States, and have resided within the state two (2) years next preceding his election. No elected officer of the executive department while holding an elective office shall seek or hold any other elective office.

Section 4. The lieutenant Governor, shall have the same qualifications as the Governor and shall be elected at the same election, for the same term, and in the same manner, as the Governor; provided that the votes cast in the general election for the nominee for Governor shall be deemed cast for the nominee for lieutenant Governor of the same political party. The lieutenant Governor shall perform such duties as may be prescribed by law and as may be delegated to him by the Governor, but no power specifically vested in the Governor by this constitution shall be delegated to the lieutenant Governor pursuant to this section.

Section 5. The lieutenant Governor shall have those duties as given by the Governor and shall also be president of the senate, but shall vote only when the senate is equally divided. In case of the absence or disqualification of the lieutenant Governor, the president pro tempore of the senate shall perform the duties of the lieutenant Governor until the vacancy is filled or the disability removed.

Section 6. The compensation of the Governor and other executive officers shall be prescribed by law and shall not be increased or diminished during a single term of office.

Section 7. The executive power of the state shall be vested in the Governor, who shall see that the laws of the state are faithfully executed.

Section 8. The Governor shall be the commander-in-chief of the military forces of the state, except when these forces are in the actual service of the United States, and shall have power to call out any part of the whole of said forces to aid in the execution of the laws, to suppress insurrection or repel invasion.

Section 9. The Governor may proclaim martial law when the public safety requires it in case of rebellion or actual or imminent invasion. Martial law shall not continue for longer than twenty (20) days without the approval of a majority of the members of the legislature in joint session.

Section 10. The Governor shall nominate, and by and with the consent of the senate, appoint all officers whose offices are established by this constitution, or which may be created by law, and whose appointment or election is not otherwise provided for. If during a recess of the senate a vacancy occurs in any such office, the Governor shall appoint some fit person to discharge the duties thereof until the next meeting of the senate, when he shall nominate some person to fill such office. If the office of secretary of state, state auditor, state treasurer, attorney general or superintendent of public instruction shall be vacated by death, resignation or otherwise, it shall be the duty of the Governor to fill the same by appointment, and the appointee shall hold his office until his successor shall be elected and qualified.

Section 11. All executive and administrative offices, boards, bureaus, commissions, agencies and instrumentalities of the executive department of state government and their respective functions, powers, and duties, except for the office of Governor, lieutenant Governor, secretary of state, attorney general, state treasurer, state auditor and superintendent of public instruction shall be allocated by law among and within not more than twenty (20) departments. Subsequently, all new powers or functions shall be assigned to departments, divisions, sections, or units in such manner as will tend to provide an orderly arrangement in the administrative organization of state government. Temporary commissions may be established by law and need not be allocated within a principal department.

Section 12. The Governor shall have the power to grant reprieves, commutations and pardons after conviction, reinstate citizenship and may suspend and remit fines and forfeitures subject to procedures prescribed by law.

Section 13. The Governor shall at the beginning of each legislative session, and may at other times, give the legislature information and recommend measures he considers necessary. The Governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state.

Section 14. Whenever the Governor considers it in the public interest, he may convene the legislature, either house, or the two houses in joint session. At the written request of two-thirds (2/3) of the members of each house, the presiding officers of both houses shall convene the legislature in special session.

Section 15. Every bill passed by the legislative assembly, except bills proposing amendments to the Montana Constitution and bills ratifying proposed amendments to the United States Constitution which may not be vetoed by the Governor, shall, before

it becomes a law, be presented to the Governor. He shall either sign it, whereupon it shall become a law, or he shall return it with his objections to the house in which it originated, which house shall enter the objections at large upon its journal and proceed to reconsider the bill. If two-thirds (2/3) of the members present agree to repass the same, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if repassed by two-thirds (2/3) of the members present in that house it shall become a law notwithstanding the objections of the Governor. If any bill is not returned by the Governor within five (5) days (Sunday excepted) after it has been presented to him, the same shall be a law, in like manner as if he had signed it, unless the legislative assembly shall by their adjournment prevent its return. Within twenty-five (25) days after the adjournment of the legislature, the Governor shall consider all bills not disposed of prior to adjournment. He shall either sign such bills into law; or if he fails to approve any bill, he shall return it with his objections to the presiding official of the house in which it originated. The legislature, as provided in Section 14, may reconvene itself to reconsider any bills so returned by the Governor.

The Governor, in returning with his objections a bill for reconsideration, may recommend that an amendment or amendments specified by him be made in the bill, and in such case the legislative assembly may amend and re-enact the bill. If a bill be so amended and re-enacted, it shall be presented again to the Governor, but shall become a law only if he shall sign it within ten (10) days after presentation; and no bill shall be returned by the Governor a second time.

Section 16. The legislative assembly shall provide a seal for the state, which shall be kept by the secretary of state and used by him officially, and known as the great seal of the state of Montana.

Section 17. All grants and commissions shall be in the name and by the authority of the state of Montana, sealed with the great seal of the state, signed by the Governor, and countersigned by the secretary of state.

Section 18. In case of the failure to qualify, the impeachment or conviction of felony or infamous crime of the Governor, or his death, removal from office, resignation, absence from the state, or inability to discharge the powers and duties of his office, the powers, duties and emoluments of the office, for the residue of the term, or until the disability shall cease, shall devolve upon the lieutenant Governor.

Section 19. The lieutenant Governor shall be president of the senate, but shall vote only when the senate is equally divided. In case of the absence or disqualification of the lieutenant Governor, from any cause which applies to the Governor, or

when he shall hold the office of Governor, then the president pro tempore of the senate shall perform the duties of the lieutenant Governor until the vacancy is filled or the disability removed.

Section 20. In case of the failure to qualify in his office, death, resignation, absence from the state, impeachment, conviction of felony or infamous crime, or disqualification from any cause, of both the Governor and the lieuterant Governor, the duties of the Governor shall devolve upon the president pro tempore of the senate until such disqualification of either the Governor or the lieutenant Governor be removed, or the vacancy filled, and if the president pro tempore of the senate, for any of the above named causes, shall become incapable of performing the duties of Governor, the same shall devolve upon the speaker of the house.

Section 21. The Governor may rule out amounts in appropriation bills passed by the legislature and the procedure in such cases shall be the same as in the case of the disapproval of an entire bill by the Governor."

INTRODUCED BY: /s/ Archie C. Wilson

/s/ Betty Babcock

DELEGATE PROPOSAL
No. 171 - Board of Regents

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 171

DATE INTRODUCED: FEB. 4, 1972

Referred to Education and Public Lands Committee

XI, 11

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING FOR A BOARD OF REGENTS AND REPEALING ARTICLE XI, SECTION 11.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. BOARD OF REGENTS OF HIGHER EDUCATION. There shall be a Board of Regents of Higher Education, a body corporate, which shall have full power to govern and control the Montana University System and any other public institutions of post-secondary education assigned by law. The board shall consist of nine (9) members appointed by the Governor to overlapping terms, subject to confirmation by the senate, under regulations to be provided by law. The board shall appoint its executive officer and prescribe his term and duties."

Section 2. Article XI, Section 11 of the present Constitution is repealed.

INTRODUCED BY: /s/ William A. Burkhardt

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 172

DATE INTRODUCED: FEB. 4, 1972

Referred to General Government and Constitutional Amendment Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING FOR THE OFFICE OF OMBUDSMAN.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. OMSBUDSMAN. The office of Ombudsman is established. The supreme court of Montana shall appoint the Ombudsman for a term of five (5) years. He shall be a person not actively involved in partisan affairs and well equipped to analyze problems of the law, administration and public policy. The Ombudsman shall investigate on complaint or on his own motion any action of any agency of state government and shall publish all of his determinations. The legislature may provide for the organization, procedures and salary of the office."

INTRODUCED BY: /s/ Richard J. Champoux

/s/ Gene Harbaugh

/s/ Peter "Pete" Icrello

/s/ J. Mason Melvin

/s/ George F. James

DELEGATE PROPOSAL
No. 173 - Veterans

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 173

DATE INTRODUCED: FEB. 4, 1972

Referred to Revenue and Finance Committee

XII, 2

A PROPOSAL AMENDING ARTICLE XII, SECTION 2 OF THE CONSTITUTION OF THE STATE OF MONTANA PROVIDING THAT TOTALLY DISABLED VETERANS MAY BE EXEMPT FROM TAXATION.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. Article XII, Section 2 of the present Constitution is amended to read as follows:

"Sec. 2. The property of the United States, the state, counties, cities, towns, school districts, municipal corporations and public libraries shall be exempt from taxation; and such other property as may be used exclusively for the agricultural and horticultural societies, for educational purposes, places for actual religious worship, hospitals and places of burial not used or held for private or corporate profit, institutions of purely public charity, ~~and~~ evidences of debt secured by mortgages of record upon real or personal property in the state of Montana, and totally disabled veterans may be exempt from taxation."

INTRODUCED BY: /s/ Jerome T. Icerdorf

/s/ Henry Siderius

/s/ Paul K. Harlow

/s/ Arlyne Reichert

/s/ George Harper

/s/ Torrey Johnson

/s/ Mae Nan Robinson

/s/ Charles H. Mahoney

/s/ Betty Babcock

/s/ Virginia H. Blend

/s/ William A. Burkhardt

/s/ Lucile Speer

/s/ Bob Campbell

/s/ Chet Blaylock

/s/ Rachell Mansfield

/s/ Erv Gysler

/s/ Grace Bates

/s/ Robert Lee Kelleher

/s/ Arnold W. Jacobsen

/s/ C. Louise Cross

/s/ Marian S. Erdmann

/s/ Peter "Pete" Icrelic

/s/ M. Lynn Sparks

/s/ Wade J. Dahood

/s/ Veronica Sullivan

/s/ Carman Skari

/s/ George B. James

/s/ Geoffrey I. Brazier

/s/ Don E. Belcher

/s/ Magnus Aasheim

/s/ Jerome J. Cate

/s/ George P. Heliker

DELEGATE PROPOSAL
No. 174 - Individual Rights

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 174

DATE INTRODUCED: FEB. 4, 1972

Referred to Judiciary Committee

III, 27

A PROPOSAL AMENDING ARTICLE III, SECTION 27 OF THE CONSTITUTION OF THE STATE OF MONTANA RELATING TO THE RIGHTS OF THE PEOPLE OF MONTANA.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. Article III, Section 27 of the present Constitution is amended to read as follows:

"Sec. 27. Subject to the condition that establishing the fact of the guilt or innocence of a person charged with a crime shall be superior to the right of an individual to bar otherwise credible evidence offered in proof thereof, no person shall be deprived of life, liberty, or property without due process of law."

INTRODUCED BY: /s/ Otto T. Habedank

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 175

DATE INTRODUCED: FEB. 4, 1972

Referred to Education and Public Lands Committee

XVII, 1, 2, 3; XI, 4

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION CONCERNING PUBLIC SCHOOL LANDS AND REPEALING ARTICLE XVII, SECTIONS 1, 2 AND 3 AND ARTICLE XI, SECTION 4 OF THE CONSTITUTION OF THE STATE OF MONTANA.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. All public school lands of the state that have been or may hereafter be granted to the state, shall be held in trust for the people for the purpose of general education. The general supervision of school lands, including, but not limited to, management, leasing, sale, and exchange of such lands and of other public lands as may be prescribed by law, shall be vested in a state board of land commissioners which shall be composed of the Governor, superintendent of public instruction and attorney general.

No school lands may be disposed of except in pursuance of general laws providing for such disposition, nor unless the full market value of the estate or interest disposed of, to be ascertained in such manner as may be prescribed by law, be paid or safely secured to the state."

Section 2. Article XVII, Sections 1, 2 and 3 and Article XI, Section 4 of the present Constitution are repealed.

INTRODUCED BY: /s/ Gene Harbaugh

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 176

DATE INTRODUCED: FEB. 4, 1972

Referred to Judiciary Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING THAT ELIGIBLE CITIZENS MUST VOTE OR BE GUILTY OF A CRIME.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. Citizens eligible to register to vote and who fail to register and to vote shall be guilty of a crime and subject to punishment as prescribed by the legislature."

INTRODUCED BY: /s/ Robert Lee Kelleher

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 177

DATE INTRODUCED: FEB. 4, 1972

Referred to Public Health, Welfare and Labor Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION PROVIDING FOR A LABOR-MANAGEMENT CONCILIATION COURT.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There shall be a new Constitutional Section to provide as follows:

"Section ___. The legislature may require parties to a labor dispute, arising from business or governmental activity within the state and affecting the public interest, to submit the dispute to a court of labor-management conciliation. The legislature shall provide for the jurisdiction of such court consistent with federal jurisdiction over the same parties and subject matter."

INTRODUCED BY: /s/ Joseph H. McCarvel

/s/ Wade J. Dahood /s/ D. A. Scanlin

/s/ Robert Lee Kelleher

DELEGATE PROPOSAL
No. 178 - Elections, Process

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

DELEGATE PROPOSAL NO. 178

DATE INTRODUCED: FEB. 4, 1972

Referred to General Government and Constitutional Amendment Committee

A PROPOSAL FOR A NEW CONSTITUTIONAL SECTION CONCERNING THE ELECTIVE PROCESS.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF MONTANA:

Section 1. There is a new Constitutional Section to read as follows:

"Section ___. (1) Every person of majority age as defined by law, who is a citizen of the United States, and has resided in the state, county and precinct of his residence for the time prescribed by law and who is of sane mind is an elector in the state of Montana. No further qualifications other than majority age, citizenship, residency and sanity may be imposed upon the electors of this state.

(2) The legislative assembly may secure the purity of elections and guard against abuses of the elective franchise through the use of registry list of all electors, provided such laws place upon state government or its subdivisions the burden of compiling and maintaining such list and provided further that electors not so registered may exercise their franchise upon execution of an oath that they meet the qualifications of an elector in the state of Montana."

INTRODUCED BY: /s/ McKeon

COMMITTEE PROPOSALS

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

CENTRAL GOVERNMENT

AND CONSTITUTIONAL AMENDMENT COMMITTEE PROPOSAL

ON SUFFRAGE AND ELECTIONS

Date Reported: February 12, 1972

/s/ Mark Etchart
Chairman

/s/ Paul K. Harlow
Vice Chairman

Date: February 12, 1972

To: MONTANA CONSTITUTIONAL CONVENTION

From: General Government and Constitutional Amendment Committee

Ladies and Gentlemen:

The General Government and Constitutional Amendment Committee submits herewith a proposed Suffrage and Elections Article. The proposed Article is intended to replace all sections of the present constitution dealing with suffrage and elections.

The committee addressed itself to the fundamental problems concerning suffrage and elections. The committee worked with the basic purpose of making the electoral process as effective and meaningful as possible for the individual Montanan. In doing so the committee gave careful consideration to several citizen and delegate proposals. Our end product is composed of a majority and a minority report. In signing either report, a Committee member does not necessarily endorse each and every statement in it.

The committee utilized the services of the following people: James Craig (Research Analyst), Bettie Murphy (Secretary) and Robert Skaggs (Intern).

/s/ Mark Etchart
Chairman

/s/ Paul K. Harlow
Vice Chairman

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MAJORITY PROPOSAL

BE IT PROPOSED BY THE GENERAL GOVERNMENT AND CONSTITUTIONAL AMENDMENTS COMMITTEE:

That there be a new Article on Suffrage and Elections to read as follows:

ARTICLE ___

SUFFRAGE AND ELECTIONS

Section 1. All elections by the people shall be by secret ballot.

Section 2. Any citizen of the United States who is 18 years of age or older, and meets the registration and residence requirements of the state and political subdivision is a qualified elector, except that no person who is serving a sentence for a felony in a penal institution or who is judged of unsound mind by a Court may vote.

Section 3. The legislature shall provide by law the requirements for residency, registration, absentee voting and administration of elections.

Section 4. Any person qualified to vote at general elections and for state officers in this state is eligible to any public office except as otherwise provided in this Constitution, subject to any additional qualifications provided by the legislature.

Section 5. In all elections held by the people under this Constitution, the person or persons receiving the highest number of legal votes is elected.

/s/ Mark Etchart
Chairman

/s/ Paul K. Harlow
Vice Chairman

/s/ Don E. Belcher

/s/ Bruce M. Brown

/s/ Lyman W. Choate

/s/ Otto T. Habedank

COMMENTS ON MAJORITY PROPOSAL

Section 1. All elections by the people shall be by secret ballot.

The wording in this section differs from the present Article IX, section 1 only in that it includes the word "secret." The committee feels that the guarantee of secrecy in voting is important enough to warrant inclusion in the Constitution.

Section 2. Any citizen of the United States who is 18 years of age or older, and meets the registration and residence requirements of the state and political subdivision is a qualified elector, except that no person who is serving a sentence for a felony in a penal institution or who is judged of unsound mind by a Court may vote.

This section embodies all of the proposed Constitutional qualification for and disqualifications from voting. In the 1889 Constitution, these qualifications and disqualifications are scattered through six sections of Article IX. The proposed Article Constitutionally gives the legislature the major burden for establishing explicit registration and residence requirements. The rationale for individual segments of section 2 follows:

"(a) Any citizen of the United States who is 18 years of age or older,. . . "

Eighteen is the voting age for all elections as established by the 26th Amendment to the National Constitution. The 1971 Montana Legislature was among the state legislatures that ratified the amendment.

"(b) . . . and meets the registration and residence requirements of the state and political subdivision is a qualified elector,.."

This section is self-explanatory.

"(c) . . . except that no person who is serving a sentence for a felony in a penal institution or who is judged of unsound mind by a Court may vote . . ."

The present Constitution automatically disenfranchises felons (Article IX, section 2), and extends this disenfranchisement even after the person is released from prison. The convicted felon must apply for often difficult-to-receive pardons before he may again vote. The committee feels that this system of permanent punishment is contrary to the best interests of society, in that it does nothing to aid rehabilitation of a criminal. Indeed, a provision disenfranchising a felon attaches a stigma to the person, and hinders rehabilitation. Additionally, a disqualification provision flys in the face of the rational

for prisoner release: The presumption is that when a man comes out of prison he should be encouraged to resume normal civic activities.

As for the provision disenfranchising those adjudicated as "unsound" in mind, the committee feels that with the new and ever-expanding developments in mental hygiene, it is unwise to freeze arbitrary mental disqualifications by label into the Constitution. Consequently, the committee has left such decisions for judges to make on an individual case basis.

> Section 3. The legislature shall provide by law the requirements for residency, registration, absentee voting and administration of elections.

This section allows the legislature to determine the voting residency and registration requirements. In a large part this has been done by section 23-2701, Revised Codes of Montana, 1947, which establishes the residency period for most elections at 30 days. This statute, enacted in 1971, conflicts with the present constitutional requirements of one year, though this section has a proposed amendment which would change the time limit to 30 days. Approximately 60% of the states include specific residency and registration requirements in their Constitutions, but most of the newer state constitutions follow the example of the proposed article and leave those matters to the legislative assembly. This section will help avoid conflict with rapidly changing federal laws and court decisions.

This section also allows the legislature to determine the time that all elections are held. The committee closely examined several delegate proposals regarding constitutionally establishing the grouping and scheduling of elections. It is the committee's considered opinion that the legislature is capable of scheduling and providing administration for all elections. The committee is extremely reluctant to freeze "for all time" the schedule and administration process of all elections.

> Section 4. Any person qualified to vote at general elections and for state officers in this state is eligible to any public office except as otherwise provided in this Constitution, subject to any additional qualifications provided by the legislature.

This section enables any Montana voter to participate as an office holder in the electoral process. It does not prohibit the legislature from establishing necessary technical qualifications for specialized jobs (say licensed attorney for the office of attorney general), but it does stop the legislature from creating arbitrary age qualifications for certain offices.

> Section 5. In all elections held by the people under this Constitution, the person or persons receiving the highest number of legal votes is elected.

This section is identical to Article IX, Section 13 of the present Constitution, and merely maintains the tradition of majority rule. The committee feels its retention is necessary as both a statement of principle and a practical directive.

* * *

As can be seen in Appendix A, the proposed Suffrage and Elections Article deletes several provisions contained in the present Constitution, Article IX. These sections, 3, 4, 5, 6, 7, 10, and 12, have either been superseded by judicial review or federal action or do not have enough redeeming value to be left in the Constitution. Discussion by section of these sections of the present Constitution follows:

"Sec. 3. For the purpose of voting no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the state, or of the United States, nor while engaged in the navigation of the waters of the state, or of the United States, nor while a student at any institution of learning, nor while kept at any almshouse or other asylum at the public expense, nor while confined in any public prison."

Section 3 does not limit anyone from establishing residency in Montana, if the person is otherwise eligible, if that person can show an honest intent to do so. This section is ineffectual, and covered in the proposed section 3.

"Sec. 4. Electors shall in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections and in going to and returning therefrom."

Section 4 given all its exceptions, is of little value and can be implemented just as effectively by legislation. There is no comparable section in the proposed article.

"Sec. 5. No elector shall be obliged to perform military duty on the days of election, except in time of war or public danger."

Section 5 serves no real function, and is probably not enforceable. Consequently, there is no comparable section in the proposed article.

"Sec. 6. No soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this state in consequence of

being stationed at any military or naval place within the same."

Section 9 suffers from the same limitations as section 8 and is redundant with that section. It too has no comparable section in the proposed article, though its basic intent is covered in proposed section 3.

"Sec. 9. No person shall be elected or appointed to any office in this state, civil or military, who is not a citizen of the United States, and who shall not have resided in this state at least one year next before his election or appointment."

"Sec. 10. All persons possessing the qualifications for suffrage prescribed by section 2 of this article as amended and such other qualifications as the legislative assembly may by law prescribe, shall be eligible to hold the office of county superintendent of schools or any other school district office."

Sections 7 and 10 are of parallel intent with section 11 of the present Constitution, and as such are revised by section 4 of the proposed article.

"Sec. 12. Upon all questions submitted to the vote of the taxpayers of the state, or any political division thereof, women who are taxpayers and possessed of the qualifications for the right of suffrage required of men by this Constitution, shall equally with men have the right to vote."

Section 12 is nationally unconstitutional on two counts: property qualification for voting and implied disenfranchisement on a sexual basis. There is no comparable section in the proposed article.

All of the other sections of Article IX of the present Constitution have been incorporated or revised in the proposed article.

MINORITY REPORT

BE IT PROPOSED BY THE GENERAL GOVERNMENT AND CONSTITUTIONAL AMENDMENT COMMITTEE:

That there be a new Article in the Legislature to read as follows:

ARTICLE ___

Section 1. All elections by the people shall be by secret ballot.

Section 2. Any citizen of the United States who is eighteen (18) years of age or older, and meets the registration and residence requirements of the state and political subdivision is a qualified elector, except that no person who is serving a sentence for a felony in a penal institution or who is judged of unsound mind by a court may vote.

Section 3. The legislature shall provide by law the requirements for residency, absentee voting and administration of elections. Voter registration prior to election day shall not be a condition for voting. The legislature shall provide for a system of poll booth registration, insure the purity of elections and guard against abuses of the electoral process.

Section 4. Any person qualified to vote at general elections and for state officers in this state, is eligible to any public office except as otherwise provided in this Constitution, subject to any additional qualifications provided by the legislature.

Section 5. In all elections held by the people under this Constitution, the person or persons receiving the highest number of legal votes is elected.

/s/ Robert Vermillion

/s/ Peter "Pete" Iorello

COMMENTS ON MINORITY PROPOSAL

The minority proposal differs from the majority proposal only in its wording of section 3. The minority wording is as follows:

> Section 3. The legislature shall provide by law the requirements for residence, absentee voting and administration of elections. Voter registration prior to election day shall not be a condition for voting. The legislature shall provide for a system of poll booth registration, insure the purity of elections and guard against abuses of the electoral process.

COMMENTS

The main purpose of the minority proposal on Suffrage and Elections is centered on the word "registration" in section 3. The change in the wording is aimed primarily at eliminating antiquated requirements which unnecessarily burden the potential voter. The primary purpose for registration laws is to prevent fraud, yet North Dakota has had poll booth registration for twenty-one (21) years. Poll booth registration provides that the voter may register at the time and place of voting. As Professor Lloyd Omdahl stated in his study of the effect of poll booth registration in North Dakota that since 1951 not one voting inspector in the state has ever requested legal action against a supposedly unqualified elector.

The thrust of the minority proposal is that the requirement to vote is a basic right which should not be abridged without very strong reasons. Therefore, the burden of proof for showing the necessity of registration rests with those who would maintain registration laws. They must show first that there is a great threat of voter fraud in the state of Montana and secondly, that laws governing poll booth registration would not deter abuses of the franchise. It is not the minority proposal which must show a need for registration because of possible voter fraud, but rather the supporters of registration who must show that there will be voter fraud. The voters of Montana must be assumed innocent until proven guilty.

The question arises: Should the Constitution leave matters regarding registration to the Legislature? Since the right to vote is basic and it has been thwarted through outdated registration procedures, the Legislature has denied the right to vote and therefore, it must be set forth in the Constitution.

The minority proposal specifically directs the Legis-

latur[illegible] to pass laws to [illegible] election [illegible] this [illegible] fraud. Poll book examination has been [illegible] effective in North Dakota, the likelihood of fraud is minimal and such a system must be adopted in Montana.

APPENDIX A

CROSS REFERENCES

PROPOSED SECTION	PROPOSED ARTICLE and SECTION
1	IX, 1 (slightly revised)
2	IX, 2 (revised)
3	IX, 9 (revised)
4	IX, 7 (revised) and IX, 11 (revised
5	IX, 13
Not replaced	IX, 3
Not replaced	IX, 4
Not replaced	IX, 5
Not replaced	IX, 6
Not replaced	IX, 10
Not replaced	IX, 12

APPENDIX F

PROPOSALS CONSIDERED BY COMMITTEE

The following selected proposals were examined and considered by the committee during its deliberations:

Number of Proposal	Chief Sponsor	Subject Matter and Disposition
1.	Erdmann	This proposal would hold school elections in conjunction with other elections. The committee feels this matter should be decided by the legislature, and provided for such consideration under section 3 of the proposed Article.
2.	47 Cain	This proposal would establish three types of elections. The committee feels this matter should be decided by the legislature, and provided for such consideration under section 3 of the proposed Article.
3.	82 Brown	The substance of this proposal comprises the committee report.
4.	95 Erdmann	This proposal Constitutionally provided for auxiliary canvassing boards. The committee feels this is a legislative decision, and allows the legislature to do so in Sec. 3 of the proposed article.
5.	131 Pugsley	This proposal provides for a system of poll booth registration, essentially eliminating registration for voting. The committee carefully considered such a measure, but feels that the legislature should make such a determination, as administration of elections can best be handled by the

			legislature. The committee allows the legislature to do so in section 3 of the proposed article.
6.	147	Cate	This proposal provides for a presidential primary system in Montana. The committee feels the history of such systems in Montana shows that such systems should not be Constitutionally created. However, under the proposed Article, the legislature could provide for such a system.
7.	178	McKeon	The basic difference between this proposal and the proposed Article is a system similar to the one in Delegate Proposal 131, and was not adopted for the same reasons.

APPENDIX I

APPEARANCE (ALL BY CONSENT)

Name - Affiliation - Residence - Subject

1. Robert Watt - Montana Student Presidents' Association - Helena - registration and residency requirements.

2. Steven I. Calkins - Montana State Low Income Organization - Helena - Suffrage and felony disqualification.

3. J. J. Schmidt - County Clerk and Recorders Association - Great Falls - Vote counting.

4. Kenneth A. Tchyens - Montana Association for Retarded Children and Adults, Inc. - Helena - Suffrage and mental incompetency.

5. Ernie Post - Montana State AFL-CIO Helena - No registration requirement.

Note: This list does not contain delegates who spoke on their proposals.

GENERAL GOVERNMENT AND CONSTITUTIONAL AMENDMENT

Roll Call Vote _____ Committee

	Date:Feb 9.*	
Mark Etchart	Yes	
Paul K. Harlow	Yes	
Bruce Brown	Yes	
Don Belcher	Yes	
Lyman Choate	Yes	
Otto Habedank	Yes	
Pete Lorello	No	
Robert Vermillion	No	

*This is the vote on the majority proposal.

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

GENERAL GOVERNMENT

AND CONSTITUTIONAL AMENDMENT COMMITTEE PROPOSAL

ON CONSTITUTIONAL REVISION

Date Reported: February 12, 1972

_____, Chairman

/s/ Paul K. Harlow, Vice Chairman

Date: February 12, 1972

To: MONTANA CONSTITUTIONAL CONVENTION

From: General Government and Constitutional Amendment Committee

Ladies and Gentlemen:

The General Government and Constitutional Amendment Committee submits herewith a proposed Constitutional Revision Article. The proposed Article is intended to replace all sections of the present Constitution dealing with Constitutional Revision.

The committee addressed itself to the basic problems concerning Constitutional revision. The committee worked with the basic purpose of making a fundamental yet flexible document. In doing so, the committee gave careful consideration to several citizen and delegate proposals. Our end product is composed of a majority report. In signing this report, a committee member does not necessarily endorse each and every statement in it.

The committee utilized the services of the following people: James Grady (Research Analyst), Bobbie Murphy (Secretary) and Robert Skaggs (Intern).

/s/ Mark Etchart
Chairman

/s/ Paul K. Harlow
Vice Chairman

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MAJORITY PROPOSAL

BE IT PROPOSED BY THE GENERAL GOVERNMENT AND CONSTITUTIONAL AMENDMENT COMMITTEE:

That it be a new Article on Constitutional Revision to read as follows:

ARTICLE___

CONSTITUTIONAL REVISION

Section 1. CONSTITUTIONAL CONVENTION. (1) The legislature, by an affirmative vote of two-thirds of all the members, may at any time submit to the electors of the state the question of whether there shall be an unlimited convention to revise, alter, or amend this Constitution.

(2) The people may by initiative petition request the legislative assembly to submit to the voters of the state the question of whether there shall be an unlimited convention to revise, alter, or amend this Constitution. The petition must be signed by at least ten percent of the legal voters of the state, which shall include at least ten percent of the legal voters in two-fifths of the legislative representative districts of the state.

The petition shall be filed with the Secretary of State, who shall certify the filing thereof to the legislative assembly and cause the question to be submitted to the voters at the general election immediately following the legislative session receiving notice of the filing of said petition.

(3) If the question of holding a convention is not otherwise submitted to the people at some time during any period of 20 years, it shall be submitted at the general election in the twentieth year following the last submission of such question.

(4) The legislature, prior to a popular vote on the holding of a convention, shall provide for a preparatory commission to assemble information on Constitutional questions, to assist the voters, and, if a convention is authorized, continued for the assistance of the delegates.

(5) If a majority of those voting on the question shall declare in favor of such convention, the legislative assembly shall at its next session provide for the calling thereof. The number of members of the convention shall be

the same as the largest body of the legislative assembly. The legislature may determine whether the delegates shall be elected after nomination by political parties, or on a non-partisan basis, but they shall be elected at the same places and in the same districts as the legislative body determining the number of delegates.

(6) The legislative assembly shall, in the act calling the convention, designate the day, hour and place of its meeting, fix the pay of its members and officers, and provide for the payment of the same, together with the necessary expenses of the convention.

(7) Before proceeding, the members shall take the oath otherwise provided in this Constitution. The qualifications of members shall be the same as the highest qualifications required for membership in the legislature. Vacancies occurring shall be filled in the manner provided for filling vacancies in the legislative assembly, or as otherwise provided by law.

(8) The convention shall meet within three months after the election of the delegates and prepare such revisions, alterations or amendments to the Constitution as may be deemed necessary, which shall be submitted to the electors for their ratification or rejection as a whole or in separate articles or amendments as determined by the convention and at an election appointed by the convention for that purpose, or at the next general election, but not less than two months after the adjournment thereof. Unless so submitted and approved by a majority of the electors voting thereon, no such revision, alteration or amendment shall take effect.

(9) Unless otherwise provided, any revision becomes effective on the first day of July after the certification of the election returns by the Secretary of State.

Section 2. CONSTITUTIONAL AMENDMENT BY THE LEGISLATURE. Amendments to this Constitution may be proposed by any member of the legislative assembly. If adopted by an affirmative roll call vote of two-thirds of all the members thereof, whether one or more bodies, the proposed amendment shall become a part of the Constitution when approved by either of the following procedures:

(1) The legislative assembly may refer the proposed amendment to the voters of the state of Montana to be voted on in the next general election held in the state. In such event the Secretary of State shall cause the amendment or amendments to be published in full in at least one newspaper in each county in which a newspaper is published, twice each month for the two months previous to the next general election for members to the legislative assembly. If approved

by a majority of the electors voting thereon, the amendment shall become a part of this Constitution on the first day of July after certification of the election returns unless the amendment otherwise provides; or

(2) the legislative assembly by a majority roll call vote, may elect not to refer the amendment to the vote of the electors of Montana as provided in the preceding subsection (1) in which event the amendment shall be presented to the next succeeding legislative assembly after a general election. If adopted by a two-thirds vote of the members of such legislative assembly, the amendment shall become a part of this Constitution on the first day of July following its approval unless a petition is filed with the Secretary of State signed by five percent of the legal voters of the state requesting such amendment be referred to a vote of the people as provided in this Constitution for referendum, in which event the amendment shall not become effective until the Secretary of State certifies its approval by a majority of those voting thereon.

Section 3. CONSTITUTIONAL AMENDMENT BY INITIATIVE. The people of Montana may also propose Constitutional amendments by initiative process. Petitions shall include the full text of the proposed amendment and shall be signed by not less than 15 percent of the legal voters in Montana, which shall include at least 15 percent of the legal voters in two-fifths of the legislative representative districts of Montana. The petitions shall be filed with the Secretary of State, who shall cause the same to be checked and certified as to the validity of the signatures thereon and, if found to be signed by the required number of voters, cause the same to be published in full in at least one newspaper in each county (if such there be) twice each month for two months previous to the next regular state-wide election, at which time the proposed amendment shall be voted on.

At said election the proposed amendment shall be submitted to the qualified electors of the state for their approval or rejection. If approved by a majority voting thereon it shall become a part of the Constitution effective the first day of July following its approval, unless otherwise provided in the amendment.

Section 4. LEGAL VOTERS. The number of votes cast for the office of Governor in the general election immediately preceding the filing of the petition shall determine the number of legal voters.

Section 5. SUBMISSION. Should more amendments than one be submitted at the same election, they shall be so prepared and distinguished by numbers or otherwise that each can be voted upon separately.

Section 6. GUBERNATORIAL VETO. The veto power of the Governor shall not extend to proposed constitutional revisions or amendments.

/s/ Mark Stewart
Chairman

/s/ Paul K. Harlow
Vice Chairman

/s/ Don E. Belcher

/s/ Bruce M. Brown

/s/ Lyman W. Choate

/s/ Otto T. Habedank

/s/ Peter "Pete" Lorello

/s/ Robert Vermillion

COMMENT OF MAJORITY REVERSAL

Section 1. (1) The legislature, by a affirmative vote of two-thirds of all the members, may at any time submit to the electors of the state the question of whether there shall be an unlimited convention to revise, alter, or amend this Constitution.

(2) The people may by initiative petition request the legislative assembly to submit to the voters of the state the question of whether there shall be an unlimited convention to revise, alter, or amend this Constitution. The petition must be signed by at least ten percent of the legal voters of the state, which shall include at least ten percent of the legal voters in two-thirds of the legislative representative districts of the state.

The petition shall be filed with the Secretary of State, who shall certify the filing thereof to the legislative assembly and cause the question to be submitted to the voters at the general election immediately following the legislative session receiving notice of the filing of said petition.

(3) If the question of holding a convention is not otherwise submitted to the people at some time during any period of twenty years, it shall be submitted at the general election in the twentieth year following the last submission of such question.

(4) The legislature, prior to a popular vote on the holding of a convention, shall provide for a preparatory commission to assemble information on Constitutional questions, to assist the voters, and, if a convention is authorized, continued for the assistance of the delegates.

(5) If a majority of those voting on the question shall declare in favor of such convention, the legislative assembly shall at its next session provide for the calling thereof. The number of members of the convention shall be the same as the largest body of the legislative assembly. The legislature may determine whether the delegates shall be elected after nomination by political parties, or on a non-partisan basis, but they shall be elected at the same places and in the same districts as the legislative body determining the number of delegates.

(6) The legislative assembly shall, in the act calling the convention, designate the day, hour and place of its meeting, fix the pay of its members and offi-

cers, and provide for the payment of the same, together with the necessary expenses of the convention.

(7) Before proceeding, the members shall take the oath otherwise provided in this Constitution. The qualifications of members shall be the same as the highest qualifications required for membership in the legislature. Vacancies occurring shall be filled in the manner provided for filling vacancies in the legislative assembly, or as otherwise provided by law.

(8) The convention shall meet within three months after the election of the delegates and prepare such revisions, alterations or amendments to the Constitution as may be deemed necessary, which shall be submitted to the electors for their ratification or rejection as a whole or in separate articles or amendments as determined by the convention and at an election appointed by the convention for that purpose, or at the next general election, but not less than two months after the adjournment thereof. Unless so submitted and approved by a majority of the electors voting thereon, no such revision, alteration or amendment shall take effect.

(9) Unless otherwise provided, any revision becomes effective on the first day of July after the certification of the election returns by the Secretary of State.

Sec. 1. (1) The legislature, by an affirmative vote of two-thirds of all the members, may at any time submit to the electors of the state the question of whether there shall be an unlimited convention to revise, alter, or amend this Constitution.

This subsection is identical to the first part of Article XIX, section 3 of the present Constitution. The committee feels that given the additional provisions of the proposed article on Constitutional revision, this portion of the proposed article is adequate.

Sec. 1. (2) The people may by initiative petition request the legislative assembly to submit to the voters of the state the question of whether there shall be an unlimited convention to revise, alter, or amend this Constitution. The petition must be signed by at least ten percent of the legal voters of the state, which shall include at least ten percent of the legal voters in two-fifths of the legislative representative districts of the state.

The petition shall be filed with the Secretary of State, who shall certify the filing thereof to the legislative assembly and cause the question to be submitted to the voters at the general

election immediately following the legislative session receiving notice of the filing of said petition.

The people of Montana do not now have the power to call a constitutional convention by the initiative. The committee feels that this is a basic political right of the people under a government like Montana's. The committee set the petition qualification, at ten percent of the legal voters of the state, with the additional qualification that at least ten percent of the legal voters of the state in two-fifths of the legislative representative districts of the state be included in that percentage, because it feels such a number is high enough to prevent frivolous attempts at Constitutional change and yet low enough to insure citizen Constitutional control. The division of the percentage of petitioners by legislative representative districts helps insure a somewhat diversified body of petitioners on a successful petition without violating the principle of one-man, one-vote. It should be noted that this provision (and all subsequent provisions) in its phrase "legislative assembly" allows the provision to keep its intent and internal integrity in either a bicameral or unicameral situation.

Sec. 1. (3) If the question of holding a convention is not otherwise submitted to the people at some time during any period of twenty years, it shall be submitted at the general election in the twentieth year following the last submission of such question.

Subsection 3 of section 1 is a further guarantee that the people will retain a firm hold on the power of constituting government. This provision calls for the consideration of a Constitutional convention at least once every 20 years. The committee feels periodic consideration strengthens rather than weakens a Constitution and a government, as it builds into the Constitution recognition of and a remedy for changing times. While there is no magic number that precisely delineates the different Constitutional periods, the committee feels on the average it would take at least 20 years for political changes and their relationship to the Constitution to be clear. A shorter period of time may subject the Constitution to changes based more on short term whimsy than considered need. A longer period may breed dangerous stagnation into the body politic.

Sec. 1. (4) The legislature, prior to a popular vote on the holding of a convention, shall provide for a preparatory commission to assemble information on Constitutional questions, to assist the voters, and, if a convention is authorized, continued for the assistance of the delegates.

Subsection 4 of section 1 was added by the committee on the basis of their experience at the convention. The committee believes that without preparatory work, any Constitutional con-

vention would be tax-less; trouble waters in a flimsy craft.

Sec. 1. (5) If a majority of those voting on the question shall declare in favor of such convention, the legislative assembly shall at its next session provide for the calling thereof. The number of members of the convention shall be the same as the largest body of the legislative assembly. The legislature may determine whether the delegates shall be elected after nomination by political parties, or on a non-partisan basis, but they shall be elected at the same places and in the same districts as the legislative body determining the number of delegates.

Subsection 5 of section 1 mandates the legislative assembly to provide for the calling of the convention, and to some degree dictates the manner in which the convention shall be called and initially organized. The committee feels this is necessary, as without some clear directions, the convention though scheduled and called, could be bogged down before it ever gets off the ground.

The committee heard testimony on several delegate proposals (See Appendix B) calling for determination of the political complexion of any future convention. The committee after careful consideration, feels the present Constitution should not make such a determination. The political climate of Montana and indeed the whole country is such that the problems of partisanship and political parties as we know them today may be quaint historical anachronism tomorrow. If, in 2062 (80 years hence), another Constitutional convention is called and the Montana policy is characterized by town meeting type councils, then partisan provisions would be wholly inapplicable. If the Constitution contains partisan provisions, there is also the danger that future electorates may be vexed and irritated by these provisions as many of the Montana electorate were at the mandated partisan nature of this convention.

Sec. 1. (6) The legislative assembly shall, in the act calling the convention, designate the day, hour and place of its meeting, fix the pay of its members and officers, and provide for the payment of the same, together with the necessary expenses of the convention.

Subsection 6 was designed by the committee as a protection device for future Constitutional conventions. Throughout history (noteably in the Western European tradition) obstreperous and unresponsive representative bodies had thwarted the will of their constituents by tokenism. The legislature may call a convention, or it may be confronted with the fait accompli, through initiative, but it could frustrate popular will by withholding the necessary materials and funds, thus destroying the convention's

ability to do anything.

Sec. 1. (7) ... proceeding the members shall take the oath ... otherwise provided in this Constitution. The qualifications of members shall be the same as the highest qualifications required for membership in the legislature. Vacancies occurring shall be filled in the manner provided for filling vacancies in the legislative assembly, or as otherwise provided by law.

Subsection 7 was designed by the committee to help insure continuity of the convention itself. Again, the committee feels such measures are necessary to assist future conventions in their task, and that such assistance should be provided in the Constitution.

Sec. 1. (8) The convention shall meet within three months after the election of the delegates and prepare such revisions, alterations or amendments to the Constitution as may be deemed necessary, which shall be submitted to the electors for their ratification or rejection as a whole or in separate articles or amendments as determined by the convention for that purpose, or at the next general election, but not less than two months after the adjournment thereof. Unless so submitted and approved by a majority of the electors voting thereon, no such revision, alteration or amendment shall take effect.

Subsection 8 was also designed to help structure future conventions, but as with other sections, the structuring is flexible enough to allow for changing conditions.

Sec. 1. (9) Unless otherwise provided, any revision becomes effective on the first day of July after the certification of the election returns by the Secretary of State.

Subsection 9 allows the convention to provide for its own adoption schedule, and it also provides a general guideline and a schedule should some revision not be scheduled by the convention.

Section 2. CONSTITUTIONAL AMENDMENT. Amendments to this Constitution may be proposed by any member of the legislative assembly. If adopted by an affirmative roll call vote of two-thirds of all the members thereof, whether one or more bodies, the proposed amendment shall become a part of the Constitution when approved by either of the following procedures:

(1) The legislative assembly may refer the proposed amendment to the voters of the state of Montana to be

voted on in the next general election held in the state. In such event the Secretary of State shall cause the amendment or amendments to be published in full in at least one newspaper in each county in which a newspaper is published, twice each month for the two months previous to the next general election for members to the legislative assembly. If approved by a majority of the electors voting thereon, the amendment shall become a part of this Constitution on the first day of July after certification of the election returns unless the amendment otherwise provides; or

(2) The legislative assembly by a majority roll call vote, may elect not to refer the amendment to the vote of the electors of Montana as provided in the preceding subsection (1) in which event the amendment shall be presented to the next succeeding legislative assembly after a general election. If adopted by a two-thirds vote of the members of such legislative assembly, the amendment shall become a part of this Constitution on the first day of July following its approval unless a petition is filed with the Secretary of State signed by five percent of the legal voters of the state requesting such amendment be referred to a vote of the people as provided in this Constitution for referendum, in which event the amendment shall not become effective until the Secretary of State certifies its approval by a majority of those voting thereon.

The introductory paragraph to this section establishes one method by which constitutional amending may be commenced. It is important to note that two-thirds of the members of the total membership of the legislative assembly is required to begin the amending process. This means that in a bicameral situation with 20 members in the upper house and 40 members in the lower house, a vote of the lower house would be sufficient to begin on the vote of 27 members of the upper house and 10 members of the lower house, or any 2/3 mixture of the membership.

The committee feels such a measure is restrictive enough to prevent frivolous legislative action, yet is open enough to overcome stringent opposition of a few well-placed members of one bicameral house. If the provision were 2/3 of the members of both houses in our hypothetical legislature 7 members of the upper house could thwart the wishes of their 53 fellow legislators. In that situation, the plurality of elected officials necessary to achieve a legislatively originated Constitution amendment is 90 percent or 9/10 rather than 2/3.

To facilitate flexibility, the committee has provided for two proposed methods of constitutional amendment by the legislature. The first procedure (outlined in subsection 1 of section 2) is analagous to the method of amending the Constitution in the present Constitution's Article XIX, section 9. The proposed

section, however, to read into the cumbersome procedural detail contained in the present Constitution. This cumbersome detail has made it difficult to get a popular Constitutional change. In one instance, the Supreme Court of Montana voided a proposed Constitutional amendment for the slight procedural irregularity of failure to follow the Constitutional directive in Article XIX, section 1 that each house enter the proposed amendment in full in the journals of both houses [Griffin v. Harris, 22 Mont. 354 (1899)].

Subsection 2 of section 3 provides for a new method of Constitutional amendment. After the legislature has once passed a proposed amendment by the required 2/3 vote, it is referred to the next legislative assembly. If the proposed amendment again passes the assembly by the necessary 2/3 vote, the amendment takes effect on the specified day. The people have a check on this process, as they can, with a petition from five percent of the voters, compel such an amendment to be directly voted on by the people. The small percentage of required petitioners makes this check on legislative abuse extremely viable.

One of the bigger assets of this new method of Constitutional amendment is secrecy. Legislative action is much cheaper than popular action when the cost of an election is compared with the cost of a fairly routine legislative function, the passage of a bill. Yet the state does not lose careful consideration to economic benefit. The people, in addition to the explicit check of petition previously discussed, have the check of making their views known in the time span between legislative sessions. They also have the opportunity to choose those who make the final decision after the substance of the decision has been stated.

> Section 3. The people of Montana may also propose constitutional amendments by initiative process. Petitions shall include the full text of the proposed amendment and shall be signed by not less than 15 percent of the legal voters in Montana, which shall include at least 15 percent of the legal voters in two-fifths of the legislative representative districts of Montana. The petitions shall be filed with the Secretary of State, who shall cause the same to be checked and certified as to the validity of the signatures thereon and, if found to be signed by the required number of voters, cause the same to be published in full in at least one newspaper in each county (if such there be) twice each month for two months previous to the next regular state-wide election, at which time the proposed amendment shall be voted on.
>
> At said election the proposed amendment shall be submitted to the qualified electors of the state for their approval or rejection. If approved by a majority voting thereon it shall become a part of the Constitution effective the first day of July following its approval, unless otherwise provided in the amendment.

Section 3 of the proposed article creates a new power for the people of Montana, the right to initiate Constitutional amendments. The committee feels this is an inherent right in a body politic whose Constitution is to be the embodiment of the will of the people. The committee's proposal sets up the exact machinery for expressing this will through establishment of the petition requirements and the administration process. The 15 percent petition requirement and the geographical requirement are high, but the committee feels it is not unreasonable to demand strict standards when dealing with something as fundamental and important as Constitutional change. Although the standard is high, the committee does not feel it is so high that pressing popular and needed Constitutional reforms could not be initiated by the people. The standard, the committee feels, will operate to check erratic whimsy.

> Section 4. The number of votes cast for the office of Governor in the general election immediately preceding the filing of the petition shall determine the number of legal voters.

Section 4 of the Article is merely an administrative and technical section in that it defines the number of legal voters for computation of the petition requirements. It does not and cannot be used to infringe and inhibit the initiative and referendum processes through technical circumvention. Indeed, this section, by setting up such a standard, guards against such abuses.

> Section 5. Should more amendments than one be submitted at the same election, they shall be so prepared and distinguished by number or otherwise that each can be voted upon separately.

Section 5 is designed to aid voters in casting their votes on Constitutional issues, and as a check on the possible action of grouping several issues under one innocuous title.

> Section 6. The veto power of the Governor shall not extend to proposed Constitutional revisions or amendments.

The committee feels that one man, the Governor, should not have the power to override proposed Constitutional measures when the requirements for proposing those measures are as stringent as this article creates.

* * *

The proposed articles on Constitutional revision are lengthy and at times somewhat detailed. However, the committee feels this necessary. This is the article that to a large degree determines whether this Constitution, and through it the state, will

be flexible or frozen, responsive or rigid, basic or erratic. In order to hit a happy and workable medium in the dilemma of these determinations, the process for control and change of a Constitution must be clear. This clarity can be thwarted by a two-edged sword: On the one hand, there must be enough detail to spell out procedure and readily accomplish desired ends. On the other hand the detail must not proliferate and degenerate into entrapping trivia that obscures and thwarts the desired end. The committee feels this proposed article solves the problem.

APPENDIX A

CROSS REFERENCES

PROPOSED SECTION	PRESENT ARTICLE & SECTION
1	XIX, 8, with revision
2	XIX, 9, with revision
3	None
4	None
5	None
6	None

APPENDIX F

PROPOSALS CONSIDERED BY COMMITTEE

The following delegate proposals were examined and considered by the _____ committee during its deliberations:

Number of Proposal	Chief Sponsor	Subject Matter and Disposition
1.	27	Matthew	This proposal established procedures for legislative and initiative Constitutional amendments, and prohibited gubernatorial veto on Constitutional revisions. It was revised and incorporated in section 2 of the proposed article.
2.	51	Warden	This proposal dictated nonpartisan elections for future Constitutional conventions. It was revised and covered in section 1 of the committee proposal.
3.	64	Harbaugh	This proposal called for periodic consideration of Constitutional conventions, and was revised and incorporated in section 1.
4.	94	Haswbank	A revisal of this proposal comprises the committee report.
5.	110	Arbanas	This proposal deals with the Constitutional convention process, and as such was revised and covered in the committee report.

APPENDIX C

WITNESSES HEARD BY COMMITTEE

Name	Affiliation	Residence	Subject
1. Duane Welker	private citizen	Hamilton, Mont.	Constitutional revision, imposition of limitation on future actions.

Note: This list does not include delegates who spoke in favor of their particular proposal.

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

LEGISLATIVE COMMITTEE PROPOSAL

Date Reported:

/s/ Magnus Aasheim, Chairman

/s/ Jerome T. Loendorf, Vice Chairman

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Date: February 16, 1972

To: MONTANA CONSTITUTIONAL CONVENTION

From: Legislative Committee

Ladies and Gentlemen:

The Legislative Committee submits herewith a proposed new Legislative Article which combines Article V and Article VI of the present Constitution. The proposed article is intended to replace all sections of Article V and Article VI of the present Constitution with the exceptions of the procedure for submitting initiative and referendum petitions, and the procedures for legislative action in times of emergency, which were assigned to the committee on General Government.

Throughout its deliberations, the committee has addressed itself to drawing up, to the best of its ability and judgment, a proposed Legislative Article containing choices between a bicameral and a unicameral Legislature. The bicameral and unicameral proposals are both submitted as majority reports.

It is the committee's recommendation that the unicameral and bicameral proposals should be presented on the ballot as alternative legislative articles.

The proposed revisions in the majority reports include major substantive changes, procedural and technical improvements, and stylistic changes in the language. Moreover, the Legislative Committee proposes a more coherent and unified organization of the article than the existing one.

The unicameral and bicameral reports, for the most part,

differ only as to the structure of the legislature.

Minority reports express variance from the thinking of the majority of the members.

The members of this Committee, by signing the majority report, do not necessarily endorse each and every statement contained therein; and minority reports on various sections are also presented in this report.

The committee utilized the testimony of many witnesses. A list of witnesses is contained in this report.

The committee wishes to express its thanks to Richard F. Bechtel, its Research Analyst and, Judith A. Pratt, its secretary, and Steve Jones, its Student Intern.

/s/ Magnus Aasheim
Chairman

/s/ Jerome I. Icendorf
Vice Chairman

MAJORITY PROPOSAL

BE IT PROPOSED BY THE LEGISLATIVE COMMITTEE:

That there be a new Article of the Legislature to read as follows:

ARTICLE V

THE LEGISLATURE

Section 1. POWER AND STRUCTURE. The legislative power of the state is vested in the legislature, consisting of one chamber whose members are designated senators. The people reserve to themselves the power of initiative and referendum.

Section 2. SIZE. The number of senators shall be prescribed by law, but there shall be no less than 75 and no more than 100 members.

Section 3. ELECTION AND TERMS OF MEMBERS. A senator shall be elected for a term of four years. One-half of the senators shall be elected every two years. A senator's term shall begin on a date provided by law.

Section 4. QUALIFICATIONS. A legislative candidate shall be a qualified voter. He shall be a resident of the state for at least one year, and a resident of the district from which he seeks election for at least six months preceding the general election.

Section 5. COMPENSATION. (1) Each member of the legislature shall receive an annual salary and such allowances as may be prescribed by law; provided that no legislature shall fix its own compensation.

(2) A salary commission shall be created by the legislature to recommend legislative compensation.

Section 6. SESSIONS. The legislature shall be a continuous body for two year periods beginning on the date newly elected members take office. Any business, bill, or resolution pending at adjournment of a session shall carry over with the same status to any further session of the legislature during the biennium. The legislature shall meet at least once a year in regular sessions of 90 legislative days or less. Any legislature may increase the limit on the length of any subsequent session. The legislature may be convened in special sessions by the governor or at the written request of a majority of the members.

Section 7. VACANCIES. A vacancy in the legislature shall be

filled by special election for the unexpired term unless otherwise provided by law.

Section 9. IMMUNITY. The members of the legislature shall, in all cases, except felony and breach of the peace, be privileged from arrest during their attendance at the sessions of the legislature, and in going to and returning from the same; and for any speech or debate in the legislature, they shall not be questioned in any other place.

Section 9. DISQUALIFICATION. No legislator shall, during the time for which he is elected, be appointed to any civil office under the authority of the state of Montana created during such time.

Section 10. ORGANIZATION AND PROCEDURE. (1) The legislature shall judge the election and qualifications of its members and may by law vest in the courts the trial and determination of contested elections of its members. It shall choose its officers from among its members; keep a journal; make rules for its proceedings; and may expel or punish a member with the concurrence of two-thirds of all its members.

(2) A majority of the membership of the legislature constitutes a quorum to do business. A smaller number may adjourn from day to day and compel attendance of absent members.

(3) All proceedings of the legislature, including committee meetings, shall be open to the public.

(4) Adequate public notice of committee hearings must be given.

(5) The legislature may establish interim committees which may meet and exercise all legislative authority delegated to them.

Section 11. BILLS. (1) A law shall be passed by bill, and a bill shall not be so altered or amended on its passage through the legislature as to change its original purpose.

(2) On any vote which advances or changes the status or substance of a bill, resolution, or rule the vote of each member must be recorded.

(3) A bill shall become law upon a majority vote of the members present.

(4) Each bill, except general appropriation bills, and bills for the codification and general revision of the laws, shall contain only one subject. A law may be challenged on the grounds of non-compliance with this section within one year after its effective date but not after that period.

(3) General appropriation bills shall contain only appropriations for the ordinary expenses of the legislative, executive and judicial departments of the state, interest on the public debt, and for public schools. All other appropriations shall be made by separate bill, each containing but one subject.

(4) No appropriation shall be made for religious, charitable, industrial, educational or benevolent purposes to any private individual, private association, or private corporation not under control of the state.

Section 12. LOCAL AND SPECIAL LEGISLATION. The legislature may not pass a special or local act when a general act is, or can be made, applicable.

Section 13. VETO. (1) Every bill passed by the legislature shall be presented to the governor for his approval and shall become law if he neither approves nor vetoes it within 5 days while the legislature is in session or within 25 days after the legislature has adjourned.

(2) The governor may veto items in appropriation bills.

(3) The governor shall return any vetoed bill with a statement of his objections to the legislature.

(4) The legislature, upon receipt of a veto message, shall reconsider the vetoed bill or item. The legislature may amend a bill to eliminate the objections of the governor, and return the bill to the governor for reconsideration. The legislature may override the veto by an affirmative vote of two-thirds of the members present.

(5) The governor shall not have veto power over resolutions, initiative and referendum measures, Constitutional amendments, and appropriations for the legislature.

Section 14. IMPEACHMENT. (1) The governor, executive officers, heads of state departments, judicial officers and such other officers as may be made subject to impeachment by law may be removed from office upon conviction of impeachment. Other proceedings for removal from public office for cause may be provided by law.

(2) The legislature shall provide for the manner, procedure and causes for removal by impeachment and shall provide for a tribunal.

(3) Impeachment can be brought only by a two-thirds vote of the senate and no conviction for impeachment shall be made except by a vote of two-thirds or more of the members of the tribunal hearing the charges.

(4) Such conviction shall only extend to removal from

office and disqualification to hold and enjoy any office under the state, but the party, whether convicted or acquitted, shall also be liable to prosecution according to law.

Section 15. DISTRICTING AND APPORTIONMENT. (1) For the purpose of electing members of the legislature, the state shall be divided into as many districts as there shall be members of the legislature. Each legislative district shall consist of compact and contiguous territory and be as nearly equal in population as is practicable.

(2) Immediately upon enactment of this section and in the session preceding each census made by the authority of the United States a committee of four citizens, none of whom may be public officials, shall be designated to draft a plan for redistricting and reapportioning the state into legislative and congressional districts. The majority and minority leaders of the legislature shall each designate two commissioners. The four commissioners, within 20 days after their designation, shall select the fifth member, who shall serve as chairman of the commission. If the four members fail to select the fifth member within the time prescribed, a majority of the supreme court shall appoint the chairman.

(3) No later than 90 days after appointment of the chairman, or following the official reporting of each federal census, whichever is later in time, the commission shall file a plan with the secretary of state.

(4) Any person aggrieved by the preliminary plan shall have 30 days to file exceptions with the commission in which case the commission shall have 30 days after the date the exceptions were filed to prepare and file a revised plan. If no exceptions are filed within 30 days, or if filed and acted upon, the commission's plan shall be final and have the force of law.

(5) Any aggrieved person may file an appeal from the plan directly to the supreme court within 30 days after the filing. If the appellant establishes that the final plan is contrary to law, the supreme court shall issue an order remanding the plan to the commission and directing the commission to reapportion and redistrict in a manner not inconsistent with such order.

(6) When the supreme court has finally decided an appeal taken, the reapportionment plan shall have the force of law and the districts shall be used thereafter in elections to the legislature until the next reapportionment is required.

Section 16. THE PEOPLE'S ADVOCATE. (1) The majority and minority leaders of the legislature shall together appoint the people's advocate.

(2) The people's advocate shall have the duty to provide information to any person upon request relating to government;

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and shall have subpoena power and authority to investigate on complaint or on his own initiative any act or omission of any agency of government, and take appropriate action. The legislature shall provide for this office and its operation.

/s/ Magnus Aasheim
Chairman

/s/ Jerome T. Icsndorf
Vice Chairman

/s/ Grace Bates

/s/ Daphne Bugbee

/s/ George Harper

/s/ Torrey Johnson

/s/ John Leuthold

/s/ Richard Nutting

/s/ Mae Nan Robinson

/s/ Miles Romney

Jerome Cate
(original unsigned)

/s/ Robert Kelleher

/s/ Arlyne Reichert

Carman Skari
(original unsigned)

COMMENTS ON MAJORITY PROPOSAL

Section 1. POWER AND STRUCTURE. The legislative power of the state is vested in the legislature, consisting of one chamber whose members are designated senators. The people reserve to themselves the power of initiative and referendum.

COMMENTS

The committee believes that a unicameral legislature would be superior to a bicameral legislature for the following reasons:

(1) Rural representation. No matter which is adopted--bicameralism or unicameralism--actual representation of rural and urban areas will be proportionally the same because both must be based on the supreme court's "one man, one vote" axiom. However, in a unicameral legislature, unlike a bicameral legislature, rural district representation is not counter-balanced by larger senate districts that are stacked in favor of urban centers. In large districts, rural areas are thrown into districts with urban areas.

(2) Deliberation. According to the Model State Constitution there is no data to support the claim that two houses result in better policies and more carefully written laws, or that a second house is a constructive check against hasty action. In fact, a study of second review made for the Maryland Constitutional Convention stated that the amount of review by the second house did not justify the cost of bicameralism in Maryland.

However, there are many studies which show that a unicameral legislature results in better policies, more carefully written laws, and more thoughtfully considered legislation. A study which compared the unicameral and bicameral legislatures of Vermont proved that the laws passed by the unicameral were 98.07 percent more stable. In otherwords, the unicameral legislature wrote better laws. A 1954 study of American state legislatures states that of all the American legislatures, the Nebraska unicameral gave its bills the best consideration.

In fact, the study mentioned that the Nebraska unicameral legislature was too careful. A 1970 study by the Citizens Conference of State Legislatures ranked the Nebraska unicameral legislature first in the nation in accountability.

(3) Lower Cost and Greater Independence. Money is saved in a unicameral legislature through the elimination of duplication in staff, printing, and other legislative operating expenses. The money saved should be used for well paid staff, the single most important factor in counter-balancing lobbying pressures and assuring intellectual independence.

(4) Accountable and Visible. There can be no "buck passing"

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free hand to house. A legislator will carefully consider his actions because there is no other house to blame. The laws are passed in a "fish bowl".

(5) Less likely to stalemate. Political deadlocks and impasses will be less likely. The people want a legislature that is structured to reflect the will of the majority instead of one that traditionally operates to protect the will of the minority.

(6) Difficult for lobbyists to control. In a unicameral body of 101, 51 legislators would constitute a majority to pass a bill. In a senate of 40, only 21 senators can kill a bill already passed by the other house. Obviously it is easier for lobbyists to control or influence 21 than 51 legislators.

(7) More efficient. There is less confusion. Better debate procedures result when all the pros and cons are considered before a vote is taken. Dual committees are eliminated and it is unnecessary to have two public hearings on every bill. Duplication has never been a guarantee of excellence.

Bills cannot be introduced and passed in one house on the assumption (and sometimes prior agreement) that they will be killed in the other house.

A second house is not needed because even in the bicameral system, 90 percent of all bills are killed in the house of origin. Seldom does a bill receive "worthwhile review" in the other chamber.

A unicameral legislature will completely eliminate the introduction (and expense) of identical or similar bills in both houses.

A unicameral legislature will completely eliminate the "third level" conference committee, one of the most criticized elements of bicameral bodies.

Section 2. SIZE. The number of senators shall be prescribed by law, but there shall be no less than 75 and no more than 100 members.

COMMENTS

Montana is a large state with scattered population. The committee believes that a unicameral legislature needs 75 to 100 members to allow the state's rural areas to retain a feeling of representation. The committee also believes that a unicameral legislature of this size allows Montana to preserve its traditional low ratio between a representative and his constituents. The provision provides a range to give the reapportionment commission some flexibility in redistricting and reapportioning the state.

Section 3. ELECTION AND TERMS OF MEMBERS. Senators shall be elected for a term of four years. One-half of the senators shall be elected every two years. The senators' terms shall begin on a date provided by law.

COMMENTS

The provision provides for four year staggered terms. The four year term affords continuity, experience, and stability to the unicameral house. To achieve staggered terms in the legislature, it is suggested that all the senators be elected in the first election. In that election, one-half should be elected to two year terms and one-half should be elected to four year terms.

Section 4. QUALIFICATIONS. A legislative candidate shall be a qualified voter. He shall be a resident of the state for at least one year, and a resident of the district from which he seeks election for at least six months preceding the general election.

COMMENTS

Article V, section 3 of the present Constitution requires a representative to be at least 21 and a senator to be at least 24, and both to have lived in the county or district they represent for at least one year. The committee proposal requires a legislator to be a qualified voter. This follows the line of reasoning in the Bill of Rights Committee recommendation that 18 year olds be considered adults for all purposes. This would allow the young to participate in elections as candidates as well as voters. The committee believes that state and district residence requirements are needed to prevent candidates from moving into a district shortly before the election to run for the legislative seat. It is believed that one of the major purposes for single-member districts--representation of a district by a true representative of that district--would be defeated if there are no residence requirements.

Section 5. COMPENSATION. (1) Each member of the legislature shall receive an annual salary and such allowances as may be prescribed by law; provided that no legislature shall fix its own compensation.

(2) A salary commission shall be created by the legislature to recommend legislative compensation.

COMMENTS

This section replaces part of Article V, section 5, which permits the legislature to set its own compensation. The committee believes an annual salary is appropriate for a legislature which is to be a continuous body. The committee believes that a legislator's responsibility to his constituents is year around, not just when the legislature is in session. An annual salary is

also an effective incentive for legislators to end their sessions as soon as possible. This provision also permits such allowances as "per diem allowance". The proposal does not set a minimum salary in the Constitution for fear that the legislature might then be reluctant to increase that amount. This was the history of the original six dollar a day allowance which remained the legislative salary for approximately 90 years. The proposal retains the provision from Article V, section 8 that no legislature can fix its own compensation.

It is the general belief of the committee that legislative compensation is inadequate and will continue to be inadequate as long as the legislature must set its own salary. To alleviate this problem, the proposal provides for a compensation commission to either set or recommend legislative salaries. This commission would "promote public confidence in proposals to raise legislative compensation to reasonable levels and would minimize accusations by the public and the press of legislative self help". (Council of State Governments, 1971 Suggested State Legislation, p. 1.).

> Section 6. SESSIONS. The legislature shall be a continuous body for two year periods beginning on the date newly elected members take office. Any business, bill, or resolution pending at adjournment of a session shall carry over with the same status to any further session of the legislature during the biennium. The legislature shall meet at least once a year in regular sessions of 90 legislative days or less. Any legislature may increase the limit on the length of any subsequent session. The legislature may be convened in special sessions by the governor or at the written request of a majority of the members.

COMMENTS

The committee believes that the most important limitation on the legislature's effectiveness is the Constitutional limitation of the length and frequency of sessions. Sixty days every other year does not allow the legislature enough time to given its legislation adequate consideration. It also does not allow the legislature to give adequate public notice of its hearings, so the people of Montana are unable to fully participate in its deliberations. In 81 years--since 1911--only six Montana legislatures have been able to complete their business in 60 days. Academic, state, and federal studies stress the disastrous effect session limits have upon the consideration of legislation.

The committee proposal makes the legislature a continuous body. This does not mean that the legislature will remain in session indefinitely. "Continuous body" is a legal term which ensures the legislature that its committees will have the authority to meet during the interim, that the legislature will have continuity, and that the legislature will have the ability to

develop its staff.

The committee proposal provides for annual sessions. In 1948, six states held annual sessions. This number increased to 26 in 1970 and to 33 in 1971. The states are adopting annual sessions because of the growth in demand for legislative services, the need to restore the balance of power between the legislature and a permanent executive, and the difficulties in formulating an accurate biennial budget.

All studies recommend that no limits be placed on the length of session because:

> The restrictions on length of sessions are the real reasons for bad legislation—not extended periods of discussion. Certainly it would be impossible to say that legislation or the quality of legislators has been improved by limiting the sessions. (Belle Zeller, American State Legislatures, p. 93.)

There was long discussion in the committee because several members believed unlimited sessions would make it impossible for rural people to serve in the legislature. The committee consensus was to place a 90 legislative day limit on sessions. The committee believes this is a reasonable restriction for 1972. However, the committee in its debates was worried that the legislature may at a later date need more time, so it added a provision that any legislature could increase the length of session for any subsequent legislature. This provision does not lock a 90 legislative day limit in the Constitution. The length of session may grow to meet the future needs of the citizens of Montana. This also meets the argument that a legislature needs a time limit to force it to finish its work, although it has been proven that an annual salary causes a legislature to finish its work as soon as possible.

All Constitutions allow the governor to call the legislature into session, but many also allow the legislature to call itself into session. The committee believes that the legislature needs this power if it is to be equal to the other two branches of government. For this reason, the committee proposal allows a majority of the members to call the legislature into session.

> Section 7. VACANCIES. A vacancy in the legislature shall be filled by special election for the unexpired term unless otherwise provided by law.

COMMENTS

Presently the Montana Constitution does not provide for the filling of legislative vacancies. It is left to law. In 1889 the Constitution provided for vacancies to be filled by elections, but the people amended the Constitution in 1931 to allow the county commissioners to fill by appointment vacancies caused by

death. Legislative vacancies caused by other reasons were still filled by election. In 1966 the people repealed the entire section by referendum.

The committee believes that with single-member districts throughout the state, the cost of a special election will not be great enough to justify appointment. The committee believes that the citizens of Montana should have the opportunity to elect their representatives to the legislature and that the people should fill legislative vacancies by election rather than by appointment. By adding "unless otherwise provided by law", the proposal provides flexibility for the future, especially in instances where the term might be nearly expired.

Section 8. IMMUNITY. The members of the legislature shall, in all cases, except felony and breach of the peace, be privileged from arrest during their attendance at the sessions of the legislature, and in going to and returning from the same; and for any speech or debate in the legislature, they shall not be questioned in any other place.

COMMENTS

This section contains the substance of Article V, section 15. The committee feels that the protections provided by this section are still needed. However, it should be noted that Charles Mahoney's statement that he would not allow the proposed Constitution to be accepted without this provision had tremendous influence on the committee's decision.

Section 9. ITS QUALIFICATION. No legislator shall, during the time for which he is elected, be appointed to any civil office under the authority of the state of Montana created during such time.

COMMENTS

This proposed section is not as stringent as the present provision contained in Article V, section 7. The committee believes that the present provision has in many cases prevented qualified persons from assuming public office. The proposed section allows a member of the legislature to be appointed to another public office during the term for which he was last elected if that office was not created during that term. The section also permits public officers to become members of the legislature during their continuance in office, but this can be prevented by legislation. In fact, the whole section could be provided for in legislation.

Section 10. ORGANIZATION AND PROCEDURE. (1) The legislature shall judge the election and qualifications of its members and may by law vest in the courts the trial and determination of contested elections of its

members. It shall choose its officers from among its members; keep a journal; make rules for its proceedings; and may expel or punish a member with the concurrence of two-thirds of all its members.

COMMENTS

Subsection 1 is self-explanatory. It combines portions of sections 9, 11, and 12 of Article V of the present Constitution.

Section 10. (2) A majority of the membership of the legislature constitutes a quorum to do business. A smaller number may adjourn from day to day and compel attendance of absent members.

COMMENTS

Subsection 2 is self-explanatory. It contains the substance of section 10, Article V, of the present Constitution.

Section 10. (3) All proceedings of the legislature, including committee meetings, shall be open to the public.

COMMENTS

Subsection 3 is self-explanatory. This subsection changes the present Constitution (section 13, Article V) which allows the legislature to conduct secret proceedings when it determines secrecy is required. The committee believes that the benefits to be derived from an open and visible legislature far outweigh any need for the peoples' representatives to discuss the peoples' needs and problems behind closed doors.

Section 10. (4) Adequate public notice of committee hearings must be given.

COMMENTS

Subsection 4 is a new section. Neither the present Constitution nor this proposed article require the legislature to conduct hearings (see section 22, Article V of the present Constitution). However, the committee concludes that public notice should be required when hearings are conducted. The committee believes that it should be left to the legislature to determine what "adequate public notice" is, taking into consideration the amount of its business and the time it has to conduct that business.

Section 10. (5) The legislature may establish interim committees which may meet and exercise all legislative authority delegated to them.

COMMENTS

Subsection 1 is a new section. The committee believes that the legislature has the power to establish interim committees under this proposed article, especially under section 6 which makes the legislature a continuous body. This section is included, however, because of the problem past Montana legislatures may have had in establishing the legislative council. The committee wishes to include this section to remove any doubt about legislative authority in this area.

Section 11. BILLS. (1) A law shall be passed by bill, and a bill shall not be so altered or amended on its passage through the legislature as to change its original purpose.

COMMENTS

Subsection 1 is self-explanatory. It is a positive statement of Article V, section 19 of the present Constitution.

Section 11. (2) On any vote which advances or changes the status or substance of a bill, resolution, or rule the vote of each member must be recorded.

COMMENTS

Subsection 2 is a new section. This proposed section is much stronger than Article V, section 24 of the present Constitution which requires a recorded vote only on final passage and Article V, section 12 which allows any two legislators to compel a recorded vote. The proposed section makes a recorded vote the rule, not the exception. Under the present Constitution and legislative rules, the legislators are not completely accountable because the votes taken during second reading (the committee of the whole) are not recorded. In theory, they are committee votes. The proposed section eliminates this loophole.

To properly evaluate what a legislator does, his votes should be visible. The committee believes that this proposed section is a large step towards making the Montana legislature an accountable one.

Section 11. (3) A bill shall become law upon a majority vote of the members present.

COMMENTS

Subsection 3 is self-explanatory. It contains a portion of Article V, section 24 of the present Constitution.

Section 11. (4) Each bill, except general appropriation bills, and bills for the codification and general revision of the laws, shall contain only one subject. A law may be challenged on the grounds of non-compliance with this section within one year after its effective

date but not after that period.

COMMENTS

Subsection 4 is Article V, section 29 of the present Constitution in an amended form. It retains the single subject provision which prevents the attachment of undesirable riders to desirable bills. The section specifies, however, that laws may be challenged under this section within one year after their effective date but not after that period. The statute of limitations permits a law to be declared void for a reasonable period after its enactment; but prohibits it being voided long after it has been published and a matter of general public knowledge.

The proposed section eliminates the title provision. The committee removed the title provision because many good laws have been declared invalid under it.

> Section 11. (5) General appropriation bills shall contain only appropriations for the ordinary expenses of the legislative, executive and judicial departments of the state, interest on the public debt and for public schools. All other appropriations shall be made by separate bills, each containing but one subject.

COMMENTS

Subsection five is self-explanatory. It is Article V, section 33 of the present Constitution with "embrace" changed to "contain".

> Section 11. (6) No appropriation shall be made for religious, charitable, industrial, educational or benevolent purposes to any private individual, private association, or private corporation not under control of the state.

COMMENTS

Subsection six is self-explanatory. It is essentially the same as Article V, section 35 of the present Constitution with a few modifications in language. The word "community" was removed from the section at the request of the local government committee.

> Section 12. LOCAL AND SPECIAL LEGISLATION. The legislature may not pass a special or local act when a general act is, or can be made, applicable.

COMMENTS

This proposed section is a replacement for Article V, section 26 of the present Constitution. It is simply a restatement of the last sentence of section 26. The committee believes

that this concise statement adequately covers the prohibitions set out at length in the original section. The committee wishes to remove the laundry list of prohibitions because of its tendency to become rapidly obsolete. An added protection would be an equal protection clause in the United States Constitution. In addition the prohibition against special and local laws is well established in Montana and United States jurisprudence.

Section 13. VETO. (1) Every bill passed by the legislature shall be presented to the governor for his approval and shall become law if he neither approves nor vetoes it within 5 days while the legislature is in session or within 25 days after the legislature has adjourned.

COMMENTS

The committee spent several days considering the executive veto and its effect on the legislature. The committee developed an extensive section on the veto and then met with the Executive Committee to resolve the differences between the two committees. The two committees agreed on all but one point--the governor's power to veto appropriations for the legislature.

Subsection one eliminates the pocket veto which the governor has under Article VII, section 12 of the present Constitution. The committee believes that the governor should be required to either take a definite stand on bills or let them become law. The committee believes in a responsible legislature as well as a responsible governor. The proposed article retains the provision that the governor must veto a bill within five days during the session. The proposed article, however, extends the number of days the governor has to consider bills after adjournment from 15 to 25 days.

Section 13. (2) The governor may veto items in appropriation bills.

COMMENTS

Subsection two retains the item veto which the governor has under Article VII, section 13 of the present Constitution. However, subsection five partially restricts this power.

Section 13. (3) The governor shall return any vetoed bill with a statement of his objections to the legislature.

COMMENTS

Subsection three is self-explanatory.

Section 13. (4) The legislature, upon receipt of a veto message, shall reconsider the vetoed bill or item.

The legislature may amend a bill to eliminate the objections of the governor, and return the bill to the governor for reconsideration. The legislature may override the veto by an affirmative vote of two-thirds of the members present.

COMMENTS

Subsection four gives the legislature the new power to amend laws to conform with the objections of the governor. If the legislature does not wish to concede to the governor's veto, the proposed article allows the legislature to override his veto by a two-thirds vote of the legislature. The legislature has this power under Article V, section 46 of the present Constitution.

Section 13. (5) The governor shall not have veto power over resolutions, initiative and referendum measures, Constitutional amendments, and appropriations for the legislature.

COMMENTS

The restriction that the governor cannot veto appropriations for the legislature is new. The committee debated this at length and would not concede to the wishes of the Executive Committee on this point. Presently the governor does not have the power to veto initiative or referendum measures under Article V, section 1. However, because of a court decision, the governor does have the power to veto proposed Constitutional amendments. The committee feels this power should be removed from the governor. For this reason, Constitutional amendments is added to the subsection.

Section 14. IMPEACHMENT. (1) The governor, executive officers, heads of state departments, judicial officers and such other officers as may be made subject to impeachment by law may be removed from office upon conviction of impeachment. Other proceedings for removal from public office for cause may be provided by law.

(2) The legislature shall provide for the manner, procedure and causes for removal by impeachment and shall provide for a tribunal.

(3) Impeachment can be brought only by a two-thirds vote of the Senate and no conviction for impeachment shall be made except by a vote of two-thirds or more of the members of the tribunal hearing the charges.

(4) Such conviction shall only extend to removal from office and disqualification to hold and enjoy any office under the state, but the party, whether convicted or acquitted, shall also be liable to prosecution according to law.

COMMENTS

The proposed section is Article V, sections 16, 17, and 18 in a somewhat new form. The proposed section allows the legislature to establish impeachment procedures. The committee believes that the same body which brings the charges should not hear the case. For this reason, the proposed section allows the legislature to bring the charges and provides that it should select some other body to give to the tribunal. The proposed section also requires a two-thirds vote to bring the charges and a two-thirds vote to convict. Article V, section 16 requires only a majority vote to bring charges.

The proposed article also allows the legislature to establish other procedures for the removal of officers from public office for cause.

Section 15. DISTRICTING AND APPORTIONMENT. (1) For the purpose of electing members of the legislature, the state shall be divided into as many districts as there shall be members of the legislature. Each legislative district shall consist of compact and contiguous territory and be as nearly equal in population as is practicable.

(2) Immediately upon enactment of this section and in the session preceding each census made by the authority of the United States a committee of four citizens, none of whom may be public officials, shall be designated to draft a plan for redistricting and reapportioning the state into legislative and congressional districts. The majority and minority leaders of the legislature shall each designate two commissioners. The four commissioners, within 20 days after their designation, shall select the fifth member, who shall serve as chairman of the commission. If the four members fail to select the fifth member within the time prescribed, a majority of the supreme court shall appoint the chairman.

(3) No later than 90 days after appointment of the chairman, or following the official reporting of each federal census, whichever is later in time, the commission shall file a plan with the secretary of state.

(4) Any person aggrieved by the preliminary plan shall have 30 days to file exceptions with the commission in which case the commission should have 30 days after the date the exceptions were filed to prepare and file a revised plan. If no exceptions are filed within 30 days, or if filed and acted upon, the commission's plan shall be final and have the force of law.

(5) Any aggrieved person may file an appeal from the plan directly to the supreme court within 30 days after the filing. If the appellant establishes that the final plan is contrary to law, the supreme court shall issue an order remanding the plan to the commission and directing the commission to reapportion and redistrict in a manner not inconsistent with such order.

(6) When the supreme court has finally decided an appeal taken, the reapportionment plan shall have the force of law and the districts shall be used thereafter in elections to the legislature until the next reapportionment is required.

COMMENTS

The committee believes that large multi-member districts are not conducive to effective representation, are too large in area, and are legally vulnerable. The committee unanimously approves of single member districts for a unicameral legislature.

The committee has considered many different methods of reapportionment. The committee considers reapportionment and redistricting to be a troublesome and time consuming matter for a legislative body because of the legislature's difficulty in being objective. Therefore, the committee proposal provides for the creation of a reapportionment commission which has considerable independence and which will be reasonably free from legislative pressures. The commission initiates a redistricting and reapportionment plan and the legislature and private citizens can make recommendations.

The committee recognized that redistricting and reapportionment has political repurcussions, so the proposed section provides for bipartisanism in the method of selection of the first four members. The fifth member of the commission becomes the key vote and his selection by the other four members is to insure impartiality.

The proposed section allows any citizen to indicate his objections to the plan, and forces the commission to consider these objections. This provision is intended to offer redress to legitimate complaints without the necessity of filing suit against the plan.

The termination of the commission once a valid reapportionment plan is produced is provided for in the last sentence. The life of the commission ends when its work is satisfactorily completed.

Section 16. THE PEOPLE'S ADVOCATE. (1) The majority and minority leaders of the legislature shall together appoint the people's advocate.

(4) The people's advocate shall have the duty to provide information to any person who requests relating to governments; he shall have subpoena power and authority to investigate on complaint or on his own initiative any act or omission of any agency of government, and take appropriate action. The legislature shall provide for this office and its operation.

COMMENTS

The committee believes that a people's advocate is necessary to bring about a responsible bureaucracy. Today government is so complicated that the average citizen does not know where to go for help or where to place responsibility. A people's advocate can disseminate this kind of information. Armed with the power of subpoena, he can produce action by cutting through the red tape that sometimes characterizes government today.

Several states provide by statute for a weak ombudsman or people's advocate, but in each case the law has been passed only by luck. Once the position is created, as happened in one state, the legislature has tried not to appropriate it funds. For this reason the committee believes that the office should be included in the Constitution. Since executive oversight is a responsibility of the legislature, the committee also believes the section should be included in the legislative article.

The proposed section allows the majority and minority leaders of the legislature to appoint the people's advocate so that responsibility for the appointment is fixed. The proposed section leaves to the legislature the responsibility for providing for the office and its operation. However, the committee recommends to the legislature that the office have the prestige and salary of a district judge. To guarantee his independence, the committee further recommends that the legislature provide the peoples' advocate with a six year term.

MAJORITY PROPOSAL

BE IT PROPOSED BY THE LEGISLATIVE COMMITTEE:

That there be a new Article of the legislature to read as follows:

ARTICLE V

THE LEGISLATURE

Section 1. POWER AND STRUCTURE. The legislative power of the state is vested in the legislative assembly consisting of a senate and a house of representatives. The people reserve to themselves the power of initiative and referendum.

Section 2. SIZE. The size of the legislature shall be prescribed by law, but the senate shall consist of not more than 40 nor less than 30 members and the house of not more than 80 nor less than 60 members.

Section 3. ELECTION AND TERMS OF MEMBERS. A member of the house of representatives shall be elected for a term of two years and a member of the senate for a term of four years. One-half of the senators shall be elected every two years. The term of the members shall begin on a date provided by law.

Section 4. QUALIFICATIONS. A legislative candidate shall be a qualified voter. He shall be a resident of the state for at least one year, and a resident of the district from which he seeks election for at least six months preceding the general election.

Section 5. COMPENSATION. (1) Each member of the legislature shall receive an annual salary and such allowances as may be prescribed by law; provided that no legislature shall fix its own compensation.

(2) A salary commission shall be created by the legislature to recommend legislative compensation.

Section 6. SESSIONS. The legislature shall be a continuous body for two year periods beginning on the date newly elected members take office. Any business, bill, or resolution pending at adjournment of a session shall carry over with the same status to any further session of the legislature during the biennium. The legislature shall meet at least once a year in regular sessions of 90 legislative days or less. Any legislature may increase the limit on the length of any subsequent session. The legislature may be convened in special sessions by the governor, or at the written request of a majority of the members.

Section 7. VACANCIES. A vacancy in the legislature shall be

fill by special election for the unexpired term unless otherwise provided by law.

Section 9. IMMUNITY. The members of the legislature shall, in all cases, except felony and breach of the peace, be privileged from arrest during their attendance at the sessions of the legislature, and in going to and returning from the same; and for any speech or debate in the legislature, they shall not be questioned in any other place.

Section 10. DISQUALIFICATION. No legislator shall, during the time for which he is elected, be appointed to any civil office under the authority of the state of Montana created during such time.

Section 11. ORGANIZATION AND PROCEDURE. (1) Each house shall judge the election and qualifications of its members and may by law vest in the courts the trial and determination of contested elections of its members. Each house shall choose its officers from among its members; keep a journal; make rules for its proceedings; and may expel or punish a member with the concurrence of two-thirds of its members.

(2) A majority of each house constitutes a quorum to do business. A smaller number may adjourn from day to day and compel attendance of absent members.

(3) All proceedings of the legislature, including committee meetings, shall be open to the public.

(4) Adequate public notice of committee hearings must be given.

(5) The legislature may establish interim committees which may meet and exercise all legislative authority delegated to them.

(6) Neither house shall, without the consent of the other, adjourn or recess for more than three days, nor to any other place than that in which the two houses shall be sitting.

(7) The legislature shall adopt and use joint rules. One rule shall require that, except on the final session day, each report of a conference committee contain an explanation of committee recommendations and be duplicated and distributed to each legislator 24 hours before action may be taken on an affirmative report.

Section 11. BILLS. (1) A law shall be passed by bill, and a bill shall not be so altered or amended on its passage through the legislature as to change its original purpose.

(2) On any vote which advances or changes the status or substance of a bill, resolution, or rule the vote of each member

must be recorded.

(3) A bill shall become law upon a majority vote of the members present in each house.

(4) Each bill, except general appropriation bills, and bills for the codification and general revision of the laws, shall contain only one subject. A law may be challenged on the grounds of non-compliance with this section within one year after its effective date but not after that period.

(5) General appropriation bills shall contain only appropriations for the ordinary expenses of the legislative, executive and judicial departments of the state, interest on the public debt and for public schools. All other appropriations shall be made by separate bills, each containing but one subject.

(6) No appropriation shall be made for religious, charitable, industrial, educational or benevolent purposes to any private individual, private association, or private corporation not under control of the state.

Section 12. LOCAL AND SPECIAL LEGISLATION. The legislature may not pass a special or local act when a general act is, or can be made, applicable.

Section 13. VETO. (1) Every bill passed by the legislature shall be presented to the governor for his approval and shall become law if he neither approves nor vetoes it within five days while the legislature is in session or within 25 days after the legislature has adjourned.

(2) The governor may veto items in appropriation bills.

(3) The governor shall return any vetoed bill with a statement of his objections to the originating house.

(4) The legislature, upon receipt of a veto message, shall reconsider the vetoed bill or item. The legislature may amend a bill to eliminate the objections of the governor, and return the bill to the governor for reconsideration. The legislature may override the veto by an affirmative vote of two-thirds of the members present in each house.

(5) The governor shall not have veto power over resolutions, initiative and referendum measures, Constitutional amendments, and appropriations for the legislature.

Section 14. IMPEACHMENT. (1) The governor, executive officers, heads of state departments, judicial officers and such other officers as may be made subject to impeachment by law may be removed from office upon conviction of impeachment. Other proceedings for removal from public office for cause may be provided by law.

(3) The legislature shall provide for the manner, procedure and cause for removal by impeachment and may select the senate as tribunal.

(4) Impeachment can be brought only by a two-thirds vote of the house and no conviction for impeachment shall be made except by a vote of two-thirds or more of the members of the tribunal hearing the charges.

(5) Upon conviction shall only extend to removal from office and disqualification to hold and enjoy any office under the state, but the party, whether convicted or acquitted, shall also be liable to prosecution according to law.

Section 15. DISTRICTING AND APPORTIONMENT. (1) The state shall be divided into as many house districts as there are representatives of the house and each district shall elect one representative. Each senate district shall be comprised of two representative districts for the election of one senator. Every legislative district shall consist of compact and contiguous territory and be so nearly equal in population as is practicable.

(2) Immediately upon enactment of this section and in the session preceding each census made by the authority of the United States, a committee of four citizens, none of whom may be public officials shall be designated to draft a plan for redistricting and reapportioning the state into legislative and congressional districts. The majority and minority leaders of each house shall designate a commissioner. The four commissioners, within 20 days after their designation, shall select the fifth member, who shall serve as chairman of the commission. If the four members fail to select the fifth member within the time prescribed, a majority of the supreme court shall appoint the chairman.

(3) No later than 90 days after appointment of the chairman, or following the official reporting of each federal census, whichever is later in time, the commission shall file a plan with the secretary of state.

(4) Any person aggrieved by the preliminary plan shall have 30 days to file exceptions with the commission in which case the commission shall have 30 days after the date the exceptions were filed to prepare and file a revised plan. If no exceptions are filed within 30 days, or if filed and acted upon, the commission's plan shall be final and have the force of law.

(5) Any aggrieved person may file an appeal from the plan directly to the supreme court within 30 days after the filing. If the appellant establishes that the final plan is contrary to law, the supreme court shall issue an order remanding the plan to the commission and directing the commission to reapportion and redistrict in a manner not inconsistent with such order.

(6) When the supreme court has finally decided an appeal taker, the reapportionment plan shall have the force of law and the districts shall be used thereafter in elections to the legislature until the next reapportionment is required.

Section 16. THE PEOPLE'S ADVOCATE. (1) The majority and minority leaders of each house shall together appoint the people's advocate.

(2) The people's advocate shall have the duty to provide information to any person upon request relating to government; and shall have subpoena power and authority to investigate on complaint or on his own initiative any act or omission of any agency of government, and take appropriate action. The legislature shall provide for this office and its operation.

/s/ Magnus Aasheim
Chairman

/s/ Jerome T. Icerdorf
Vice Chairman

/s/ Grace Bates

/s/ Daphne Bugbee

/s/ George Harper

/s/ Torrey Johnson

/s/ John H. Leuthold

/s/ Richard Nutting

/s/ Mae Nan Robinson

/s/ Miles Romney

Jerome Cate
(original unsigned)

/s/ Robert Kelleher

/s/ Arlyne Reichert

Carman Skari
(original unsigned)

COMMENTS ON MAJORITY BICAMERAL PROPOSAL

Section 1. POWER AND STRUCTURE. The legislative power of this state is vested in the legislative assembly consisting of a senate and a house of representatives. The people reserve to themselves the power of initiative and referendum.

COMMENTS

The power to make laws in a representative government is a power delegated to a specific unit of government. Section 1 merely states that a body in which the people vest that power. The people also reserve the power to remain a part of the law-making structure by reserving to themselves the power to initiate laws and repeal them.

Responsibility must be delegated to someone. An elected group of legislators is the proper place to delegate this authority. In vesting this power in a legislative body consisting of a house and senate we feel the checks and balances of a two-house body will provide the best representation and responsiveness to and for the people of Montana providing for the peoples' right of referendum and initiative.

Arguments for a unicameral body must be given serious consideration; however, the minority feels that although Nebraska apparently has been satisfied with its system, it does not necessarily guarantee that it would alleviate the problems in Montana.

The subcommittee feels the criticism directed at the last session of the legislature does not warrant a complete overhaul of the present system. The subcommittee feels that adjustments made as provided in the proposed legislative Article will give the needed time and flexibility to overcome the shortcomings which created an impasse in the past.

Much also has been made about the conference committee; the bicameral adherents feel this is proof in itself there is need for another body to take another look at legislation proposed by a single body; the conference committee is an attempt to compromise differences; if there are shortcomings in the conference committee, let's correct those inadequacies and not throw out the whole system.

The bicameral may not be as responsive to the tide of public opinion; however, public opinion is oftentimes emotional and really, in the long run prefers to move slowly. Democracy, at its best, is a slow process.

Section 2. SIZE. The size of the legislature shall be prescribed by law, but the senate shall consist of not more than 40 nor less than 30 members and the house of not more than 80 nor less that 60 members.

COMMENTS

The majority contends proportionately the representation remains the same no matter what the total may be.

A lesser number of 60-80 in the House and 30-40 in the Senate will make for a more dedicated and more qualified membership. Responsibility can be more easily pin-pointed in the smaller body.

The smaller body will decrease the amount of legislation introduced and will also make a more functional law-making body.

To those who are economy minded, the smaller body will require a smaller payroll and make more funds available for research staff.

The need for more physical plant is apparent, the smaller body will require less outlay for such expansion.

The California legislature has 40 Senators and 80 Representatives. If that state can function with a larger population and greater land area, so can Montana.

> Section 3. ELECTION AND TERMS OF MEMBERS. A member of the house of representatives shall be elected for a term of two years and a member of the senate for a term of four years. One-half of the senators shall be elected every two years. The term of the members shall begin on a date provided by law.

COMMENTS

The two year terms of the representatives makes them responsive to the will of the electorate while the staggered terms of the senators insures continuity of the body. No day certain for convening the legislature is fixed so that the legislature can exert its wisdom and changes of date in the future can be made without Constitutional changes.

> Section 4. QUALIFICATIONS. A legislative candidate shall be a qualified voter. He shall be a resident of the state for at least one year, and a resident of the district from which he seeks election for at least six months preceding the general election.

COMMENTS

The language and explanation of this section are identical to those of section four of the unicameral article.

> Section 5. COMPENSATION. (1) Each member of the legislature shall receive an annual salary and such

allowances as may be prescribed by law; provided that the legislature shall fix its own compensation.

(2) A salary commission shall be created by the legislature to recommend legislative compensation.

COMMENTS

The language and explanation of this section are identical to those of section five of the unicameral article.

Section 6. SESSIONS. The legislature shall be a continuous body for two year periods beginning on the date newly elected members take office. Any business, bill, or resolution pending at adjournment of a session shall carry over with the same status to any further session of the legislature during the biennium. The legislature shall meet at least once a year in regular sessions of 90 legislative days or less. Any legislature may increase the limit on the length of any subsequent session. The legislature may be convened in special sessions by the governor, or at the written request of a majority of the members.

COMMENTS

The language and explanation of this section are identical to those of section six of the unicameral article.

Section 7. VACANCIES. A vacancy in the legislature shall be filled by special election for the unexpired term unless otherwise provided by law.

COMMENTS

The language and explanation of this section are identical to those of section seven of the unicameral article.

Section 8. IMMUNITY. The members of the legislature shall, in all cases, except felony and breach of the peace, be privileged from arrest during their attendance at the sessions of the legislature, and in going to and returning from the same; and for any speech or debate in the legislature, they shall not be questioned in any other place.

COMMENTS

The language and explanation of this section are identical to those of section eight of the unicameral article.

Section 9. DISQUALIFICATION. No legislator shall, during the time for which he is elected, be appointed to any civil office under the authority of the state of

Montana created during such time.

COMMENTS

The language and explanation of this section are identical to those of section nine of the unicameral article.

Section 10. ORGANIZATION AND PROCEDURE. (1) Each house shall judge the election and qualifications of its members and may by law vest in the courts the trial and determination of contested elections of its members. Each house shall choose its officers from among its members; keep a journal; make rules for its proceedings; and may expel or punish a member with the concurrence of two-thirds of its members.

COMMENTS

Section 10. (1) The language of subsection one is the same as that of section 10, subsection one of the unicameral article except that the words "each house" replace the word "legislature". The subsection combines portions of sections 9, 11, and 12 of Article V of the present Constitution. The section removes the lieutenant governor from the legislative process and allows the senate to select its own presiding officer.

Section 10. (2) A majority of each house constitutes a quorum to do business. A smaller number may adjourn from day to day and compel attendance of absent members.

COMMENTS

Section 10. (2) The language and explanation of subsection two are the same as those of section 10, subsection two of the unicameral article except that the words "each house" replace the words "the membership of the legislature".

Section 10. (3) All proceedings of the legislature, including committee meetings, shall be open to the public.

COMMENTS

Section 10. (3) The language and explanation of subsection three are the same as those of section 10, subsection three of the unicameral article. The committee did not change the words "the legislature" to the words "each house" because it wants the section to also apply to conference committees between the two houses.

Section 10. (4) Adequate public notice of committee hearings must be given.

COMMENTS

The language and explanation of subsection four are the same as those of section 11, subsection four of the unicameral article.

Section 10. (5) The legislature may establish interim committees which may meet and exercise all legislative authority delegated to them.

COMMENTS

Section 10. (5) The language and explanation of subsection five are the same as those of section 11, subsection five of the unicameral article.

Section 10. (6) Neither house shall, without the consent of the other, adjourn or recess for more than three days, nor to any other place than that in which the two houses shall be sitting.

COMMENTS

Subsection six is self-explanatory. It is Article V, section 14 of the present constitution with words "or recess" added. This subsection pertains only to a bicameral legislature so it is not found in the unicameral article.

Section 10. (7) The legislature shall adopt and use joint rules. One rule shall require that, except on the final session day, each report of a conference committee shall contain an explanation of committee recommendations and be duplicated and distributed to each legislator 24 hours before action may be taken on an affirmative report.

COMMENTS

Section 10. (7) Subsection seven is new. It is not included in the unicameral article because it pertains only to the conference committees of a bicameral legislature. The committee includes this subsection because it believes conference committees should act in a responsible manner.

Section 11. BILLS. (1) A law shall be passed by bill, and a bill shall not be so altered or amended on its passage through the legislature as to change its original purpose.

COMMENTS

Section 11. (1) The language and explanation of subsection one are the same as those of section 11, subsection one of the unicameral article.

Section 11. (2) On any vote which advances or changes the status or substance of a bill, resolution, or rule the vote of each member must be recorded.

COMMENTS

Section 11. (2) The language and explanation of subsection two are the same as those of section 11, subsection two of the unicameral article.

Section 11. (3) A bill shall become law upon a majority vote of the members present in each house.

COMMENTS

Section 11. (3) The language and explanation of subsection three are the same as those of section 11, subsection three of the unicameral article except the words "in each house" have been added.

Section 11. (4) Each bill, except general appropriation bills, and bills for the codification and general revision of the laws, shall contain only one subject. A law may be challenged on the grounds of non-compliance with this section within one year after its effective date but not after that period.

COMMENTS

Section 11. (4) The language and explanation of subsection four are the same as those of section 11, subsection four of the unicameral article.

Section 11. (5) General appropriation bills shall contain only appropriations for the ordinary expenses of the legislative, executive and judicial departments of the state, interest on the public debt and for public schools. All other appropriations shall be made by separate bills, each containing but one subject.

COMMENTS

Section 11. (5) The language and explanation of subsection five are the same as those of section 11, subsection five of the unicameral article.

Section 11. (6) No appropriation shall be made for religious, charitable, industrial, educational or benevolent purposes to any private individual, private association, or private corporation not under control of the state.

COMMENTS

Section 11. (6) The language and explanation of subsection six are the same as those of section 11, subsection six of the unicameral article.

Section 12. LOCAL AND SPECIAL LEGISLATION. The legislature may not pass a special or local act when a general act is, or can be made, applicable.

COMMENTS

The language and explanation of this section are identical to those of section 12 of the unicameral article.

Section 13. VETO. (1) Every bill passed by the legislature shall be presented to the governor for his approval and shall become law if he neither approves nor vetoes it within 5 days while the legislature is in session or within 25 days after the legislature has adjourned.

(2) The governor may veto items in appropriation bills.

(3) The governor shall return any vetoed bill with a statement of his objections to the originating house.

(4) The legislature, upon receipt of a veto message, shall re-consider the vetoed bill or item. The legislature may amend a bill to eliminate the objections of the governor, and return the bill to the governor for reconsideration. The legislature may override the veto by an affirmative vote of two-thirds of the members present in each house.

(5) The governor shall not have the veto power over resolutions, initiative, referendum or Constitutional amendments.

COMMENTS

The language and explanation of this section are identical to those of section 13 of the unicameral article except that the words "in each house" are added.

Section 14. IMPEACHMENT. (1) The governor, executive officers, heads of state departments, judicial officers and such other officers as may be made subject to impeachment by law may be removed from office upon conviction of impeachment. Other proceedings for removal from public office for cause may be provided by law.

(2) The legislature shall provide for the manner, procedure and causes for removal by impeachment and may

select the senate as tribunal.

(3) Impeachment can be brought only by a two-thirds vote of the house and no conviction for impeachment shall be made except by a vote of two-thirds or more of the members of the tribunal hearing the charges.

(4) Such conviction shall only extend to removal from office and disqualification to hold and enjoy any office under the state, but the party, whether convicted or acquitted, shall also be liable to prosecution according to law.

COMMENTS

This proposed section is Article V, sections 16, 17, and 18 in an amended form. The proposed section allows the legislature to establish impeachment procedures. The committee believes that the same body which brings the charges should not hear the case. For this reason, the proposed section allows the house to bring the charges and allows the legislature to select either the senate or some other body to be the tribunal. The proposed section also requires a two-thirds vote to bring the charges and a two-thirds vote to convict. Article V, section 16 requires only a majority vote to bring charges.

The proposed article also allows the legislature to establish other procedures for the removal of officers from public office for cause.

Section 15. DISTRICTING AND APPORTIONMENT. (1) The state shall be divided into as many house districts as there representatives of the house and each district shall elect one representative. Each senate district shall be comprised of two representative districts for the election of one senator. Every legislative district shall consist of compact and contiguous territory and be so nearly equal in population as is practicable.

(2) Immediately upon enactment of this section and in the session preceding each census made by the authority of the United States a committee of four citizens, none of whom may be public officials shall be designated to draft a plan for redistricting and reapportioning the state into legislative and congressional districts. The majority and minority leaders of each house shall designate a commissioner. The four commissioners, within 20 days after their designation, shall select the fifth member, who shall serve as chairman of the commission. If the four members fail to select the fifth member within the time prescribed, a majority of the supreme court shall appoint the chairman.

(3) No later than 90 days after appointment of the

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ensuing, or following the official reporting of each federal census, whichever is later in time, the commission shall file a plan with the secretary of state.

(6) Any person aggrieved by the preliminary plan shall have 30 days to file exceptions with the commission in which case the commission shall have 30 days after the date the exceptions were filed to prepare and file a revised plan. If no exceptions are filed within 30 days, or if filed and acted upon, the commission's plan shall be final and have the force of law.

(7) Any aggrieved person may file an appeal from the plan directly to the supreme court within 30 days after the filing. If the appellant establishes that the final plan is contrary to law, the supreme court shall issue an order remanding the plan to the commission and directing the commission to reapportion and redistrict in a manner not inconsistent with such order.

(8) When the supreme court has finally decided an appeal taken, the reapportionment plan shall have the force of law and the districts shall be used thereafter in elections to the legislature until the next reapportionment is required.

COMMENTS

The committee believes that large multi-member districts are not conducive to effective representation, are too large in area, and are legally vulnerable. However, the committee considered allowing two representatives to run at large within a senatorial district with the provision that the districts could be divided into single-member representative districts as provided by law. Several members saw merit in the "as provided by law" provision for it affords a degree of flexibility. By keeping the senatorial districts intact, the number of representative districts would be one-half their number otherwise. They believed this would simplify the redistricting process.

However, a majority of the committee dislike this idea because it eliminates one of the major arguments for a bicameral legislature--two houses that represent different constituencies. The committee believes that senators should represent a larger constituency than the members of the house. In addition, the committee believes that the more accurate and accountable representation afforded by single-member districts is worth the additional problems involved in drawing boundary lines.

The rest of the explanation of this section is the same as that found under section 15 of the unicameral article.

Section 16. THE PEOPLE'S ADVOCATE. (1) The majority and minority leaders of each house shall together

appoint the people's advocate.

(2) The people's advocate shall have the duty to provide information to any person upon request relating to government; and shall have subpoena power and authority to investigate on complaint or on his own initiative any act or omission of any agency of government, and take appropriate action. The legislature shall provide for this office and its operation.

COMMENTS

The language and explanation of section 16 are identical to those in section 16 of the unicameral article except that the words "in each house" in subsection one replace the words "of the legislature".

COMMITTEE ON THE LEGISLATURE

MINORITY PROPOSAL 1

BE IT RESOLVED:

That the following is substituted for section 1 entitled "Legislative power" of the Majority bicameral proposal:

The legislative power of the state shall be vested in a Parliament consisting of one chamber; but the people reserve to themselves the initiative, including the right to amend this Constitution, and referendum powers.

/s/ Robert Lee Kellogher /s/ Mae Nan Robinson

/s/ Miles Kelley /s/ John B. Leuthold

/s/ Esther Burris

COMMENTS

The Parliamentary proposal provides that the chief executive would be chosen by the majority party in the legislature, rather than by a separate ballot.

The members shall serve four year terms, one-half of whom shall be elected every two years. Each candidate must be a resident of the state for one year preceding this election.

The chief executive shall appoint a cabinet out of the legislature (choosing from either the majority or minority as he sees fit).

MINORITY PROPOSAL 2

BE IT PROPOSED:

That the following be substituted for section 2 entitled "Size" of the Majority Bicameral Proposal:

> The size of the legislature shall be prescribed by law, but the senate shall consist of not more than 52 nor less than 45 members and the house of not more than 104 nor less than 90 members.

/s/ Grace Bates

/s/ Miles Romney

/s/ Torrey Johnson

/s/ R. Nutting

COMMENTS

If Montana is to maintain a citizens' legislature - it must have an adequate number of members to insure a broad base of experience and expertise in all of the fields of state government. A small legislature with large staff becomes a bureaucracy where the staff governs the legislature and the people have lost the last vestige of control over their government. Size is a compromise with existing facilities, while it is our feeling that perhaps no limits should be placed on size by the Constitution this is a figure (45-52-90-104) which could be reasonably adjusted to give adequate representation to the sparcely populated rural areas. An elected, informed citizen legislature is much more reflective of the will of the people, than a small, bureaucratic, staff dominated, assembly. True representation should never be sacrificed for the sake of efficiency and expediency.

MINORITY PROPOSAL 3

BE IT RESOLVED:

That the following be substituted for section 4 entitled "Qualifications" of the Majority Bicameral Proposal:

> Legislative candidates must be citizens of the United States and qualified voters of the State of Montana and shall have resided in of Montana for one year and residents of the district for 60 days prior to the primary election.

/s/ Grace Bates

/s/ Miles Romney

/s/ Torrey Johnson

/s/ R. J. Nutting

/s/ John H. Leuthold

COMMENTS

Qualifications are provided for suffrage. Legislators should at least possess the qualifications of the electors who name the legislators. This entails having the same residence qualifications for electors and their representatives. The primary election, being the first positive step in the election process, should be the determinative factor in such residence qualifications as the legislature fixes in its effort to provide the best possible representation for constituents. No exact time should be placed in the Constitution because changing times and mores might necessitate revision of residence as well as other qualifications.

MINORITY PROPOSAL 4

BE IT PROPOSED:

That the following be substituted for section 5 entitled "Compensation" of the Majority Bicameral Proposal:

> Each member of the legislature shall receive compensation for his services and allowances as may be prescribed by law. No legislature may fix its own compensation.

/s/ Magnus Aasheim

/s/ Miles Romney

/s/ Torrey Johnson

/s/ R. T. Nutting

COMMENTS

The complications of trying to specify a particular method of payment that would meet conditions for years to come lead us to believe that the methods must be left up to legislative decision. This provision does not tie the legislature to any particular method of determining amounts or methods of setting pay but will allow them to adjust as they deem necessary. A complication arises in PERS if the annual salary is less than $7200. A daily wage might satisfy those legislators desiring to come under PERS.

MINORITY PROPOSAL 5

BE IT PROPOSED:

That the following be substituted for section 6 entitled "Sessions" of the Majority Financial Proposal:

following the general election the legislature shall meet in regular session before March 1 or earlier as provided by law. The regular session shall not exceed 60 legislative days. Any business, bill, or resolution pending at adjournment of a session shall carry over with the same status to any future special session during the biennium.

Special sessions not to exceed 30 days may be convened by the governor or by a majority vote of the membership of each house. Regular and special sessions may be extended by a majority vote of each house.

/s/ Torrey Johnson

/s/ Miles Romney

/s/ Magnus Aasheim

/s/ Grace Bates

/s/ R. T. Nutting

COMMENTS

The minority report allows for a date certain to convene, with an allowance for it to adjust to changing times. It provides for a deadline toward which the legislature can work, and yet, by a majority vote can extend the regular session to adjust for emergencies. The minority report specifies legislative days; thus allowing the legislature to recess without pay.

Since the present 60 day limitation includes Saturdays and Sundays, the legislature presently could actually be working only 44 days. The 60 legislative days is consequently nearly twice as many days as at present. Many legislators are asking for a limit to the days allowed. The committee feels a body should have deadlines to meet.

Setting the number of days is not as restrictive as some would like; however, the committee feels that restriction is necessary in order to keep the legislature open to as many vocations as possible; not to have a restriction will make for a professional type of law making body. The provision giving the body the right to call itself back into session by majority vote is flexible; yet there is the implied understanding they must make an accounting for the extension to their constituents. The

provision is also flexible in that the body has the ability to use interim committees which may eliminate the necessity of the whole group meeting for planning special assignments such as the budget.

The provision a bill may be carried over to another meeting will be a saving of both time and money.

CROSS REFERENCES

PRESENT SECTION	PRESENT ARTICLE & SECTION
1	V, 1
2	V - (repealed)
3	V, 2, 6
4	V, 3
5	V, 5, 9
6	V, 5, 6
7	V, 45 - (repealed)
8	V, 15
9	V, 7
10	V, 9, 10, 11, 12, 13, 14, 24
11	V, 19, 12, 24, 23, 33, 35
12	V, 26
13	V, 40; VII, 12, 13
14	V, 16, 17, 18
15	VI, 1, 2, 3, 30 (deleted) 31 (deleted)
16	New
Not replaced	20, 21, 22, 25, 27, 28, 29, 30, 31, 32, 34, 36, 37, 38, 39, 41, 42, 43, 44, 46

APPENDIX B

PROPOSALS CONSIDERED BY COMMITTEE

The following delegate proposals were examined and considered by the Legislative Committee during its deliberations.

	Number of proposal	Chief Sponsor	Subject Matter	Disposition
1.	19	Miles Romney	Change meeting date to Feb. 1	Rejected
2.	22	Arlyne Reichert	Unicameral	Adopted in part
3.	25	Chet Playlock	Legislature override governor vetoes	Rejected
4.	63	Robert Vermillion	Financial disclosure	Rejected
5.	101	Robert Kelleher	Limit campaign spending	Rejected
6.	123	James Felt	Legislative interim committees	Adopted
7.	136	Robert Kelleher	Parliament	Rejected
8.	140	Grace Bates	Bicameral	Adopted in part
9.	141	Grace Bates	Legislative salaries	Rejected
10.	150	Robert Kelleher	Office of People's Advocate	Adopted in part
11.	158	Miles Romney	Conference committee report rule	Adopted

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APPENDIX C

WITNESSES HEARD BY COMMITTEE

Name - Affiliation - Attendance - Subject

1. Lawrence Pettit - Montana State University Professor - Bozeman - Legislative article in general.

2. Ken Luzzis - Constitutional Convention intern - Helena - Unicameralism.

3. Carl Festad - Youth Constitutional Convention - Helena - Unicameralism.

4. Howard Banks - Interested citizen - Helena - Unicameralism.

5. Liane Schladweiler - League of Women Voters - Bozeman - Legislative article in general.

6. Jean Anderson - League of Women Voters - Billings - Legislative article in general.

7. Rosemary Boscheri - Housewife - Billings - Bicameralism.

8. Byron Brown - Newspaper editor - Dillon - Bicameralism.

9. John Layne - Citizens Committee on State Legislature - Helena - Legislative article in general.

10. C. W. Cooley - Citizens Committee on State Legislature - Lewistown - Legislative article in general.

11. Joe Sanders - Citizens Committee on State Legislature - Great Falls - Legislative article in general.

12. George Mahoney - Student - Helena - Conference committee.

13. Robert Watt - Montana Student Presidents' Association - Helena - Reapportionment and conflict of interest.

14. Francis Mitchell - Montana Common Cause - Helena - Legislative article in general.

15. Leroy Aspevig - Representative - Rudyard - Bicameralism.

16. Ed Shubat - Cascade County Commissioner - Great Falls - Article V, Section 31.

17. Dean Zinnicker - Representing county commissioners - Great Falls - Article V, Section 31.

18. Milo Dean - Cascade County Commissioner - Great Falls - Article V, Section 31.

19. Carol Mitchell - Montana Common Cause - Helena - Legislative committee meetings open to the public.

20. Roger Barnaby - Montana Clerk of Courts Association - Wibaux - Article V, Section 31.

21. Hardin Todd - Montana Clerk of Courts Association - Billings - Article V, Section 31.

22. David Holliday - General Manager, KBLL - Helena - Bicameralism.

23. Robert Taylor - Professor of Geography - Bozeman - Legislative article in general.

24. Jack Gunderson - Representative - Power - Legislative article in general.

25. Thomas Towe - Representative - Billings - Reapportionment

26. Ellis Waldron - Professor of political science - Missoula - Reapportionment.

27. Miss Randi Hood - Student - Missoula (UM) - Reapportionment.

28. Jack Gunderson - Representative - Power - Reapportionment - Unicameralism.

29. Paul Harlow - Delegate - Thompson Falls - Initiative and referendum (representative from General Government Committee).

30. James E. Nickel - Gynecologist - Helena - Unicameralism.

31. Jack McDonald - Senator - Belt - Unicameralism.

32. Norman Nickman - Doctor of medicine - Missoula - Unicameralism.

33. Don McCammon - High School student - Helena - Unicameralism.

34. Bradley Parrish - Representative - Lewistown - Unicameralism.

35. Chase Patrick - Representative - Helena - Unicameralism.

36. [illegible] - Representative - Billings - Bicameralism.

37. [illegible] - Interested citizen - Bozeman - Bicameralism.

38. [illegible] - Delegate - Billings - Bicameralism.

39. Lloyd Eskildsen - Representative - Billings - Bicameralism.

40. [illegible] - Delegate - Darcy - Bicameralism.

41. Kenneth Clark - United Transportation Union Lobbyist - Miles City - Lobbying.

42. [illegible] - Delegate - Livingston - Recall and legislative article in general.

43. Jean Wertz - Senator - Lewistown - Legislative article in general.

44. Norman McCarvel - Senator - Fairfield - Legislative article in general.

45. [illegible] - Senator - Wyman - Legislative article in general.

46. [illegible] - Senator - Havre - Legislative article in general.

47. Carroll Graham - Senator - Lodge Grass - Legislative article in general.

48. Stan Stephens - Senator - Havre - Legislative article in general.

49. J. D. Ashbrenner - Representative - Winifred - Legislative article in general.

50. Michael Greeley - Representative - Great Falls - Legislative article in general.

51. Tom Harrison - Representative - Helena - Legislative article in general.

52. Oscar Kvaalen - Representative - Lambert - Legislative article in general.

53. J. D. Lynch - Representative - Butte - Legislative article in general.

54. Chet Blaylock - Delegate - Laurel - Proposal #25.

55. Bob Vermillion - Delegate - Shelby - Proposal #63.

56. Bill Koerner - Interested citizen - Hamilton - Legis-

lative article in general.

57. Mrs. Irving Boettger - Interested citizen - East Helena - Unicameralism, single-member districts.

58. Miles Romney - Delegate - Hamilton - Proposal #19.

59. Grady Walton - Interested citizen - Helena - Unicameralism.

60. Roy Hayworth - University student - Missoula - Residency requirements.

61. Archie Wilson - Delegate - Wyman - Executive veto.

62. Larry Fasbender - Representative - Fort Shaw - Unicameralism.

63. William Groff - Senator - Victor - Bicameralism.

64. Robert Kelleher - Delegate - Billings - Proposal #136.

65. William Groff - Senator - Victor - Rough draft proposal.

66. Harold Gerke - Representative - Billings - Rough draft proposal.

67. Duane Welker - Interested citizen - Hamilton - Rough draft proposal.

68. Ray Gulick - Interested citizen - Joplin - Rough draft proposal.

69. Don Garrity - Attorney - Helena - Parliamentary system.

70. Francis Mitchell - Interested citizen - Helena - Article 35.

71. Geoffrey Brazier - Delegate - Helena - Delegate Proposal #110.

72. Clint Grimes - Interested citizen - Helena - Delegate Proposal #150 (Ombudsman).

73. Steve Koldiron - Interested citizen - Helena - Delegate Proposal #150 (Ombudsman).

74. Tom Snyder - Interested citizen - Corvallis - Article V, Section 35.

75. John Ray - Interested citizen - Hamilton - Article V, Section 35.

3/10/73

ROLL CALL VOTE -- LEGISLATIVE COMMITTEE

	Minority Report 6-months in Districts	Minority Report	Minority Report	Minority Report	Minority Report	Minority Report			
	Date: No: Dist. Sect. 4	Date: No: Sec.4 Cates Pro	Date: No: Line 1 Sec. 5	Date: No: Sec. 5 Line 2	Date: No: Sec. 6 Line 2	Date: No:	Date: No:	Date: No:
Aasheim	Y	Y	N	N	N			
Loendorf	Y	N	Y	Y	Y			
Bates	Y	N	Y	Y	N			
Bugbee	N	Y	Y	Y	Y			
Cate	Y	Y	Y	Y	Y			
Harper	N	Y	Y	Y	Y			
Johnson	Y	N	N	N	N			
Kelleher	Y	Y	Y	Y	Y			
Leuthold	Y	Y	Y	Y	N			
Nutting	Y	Y	N	N	N			
Reichert	N	Y	Y	Y	Y			
Robinson	N	Y	Y	Y	Y			
Romney	Y	N	N	N	Y			
Skari	Y	Y	Y	Y	Y			
Y	10	10	10	10	9			
N	4	4	4	4	5			
AB	0	0	0	0	0			

2/10/72

ROLL CALL VOTE --- LEGISLATIVE COMMITTEE

	Date: No: Sec. 10	Date: No: Sub. 7 Sec. 10	Date: No: Sub. 1 Sec. 11	Date: No: Sec. 11 Sub. 2	Date: No: Sec. 11 Sub. 3	Date: No: Sec. 11 Sub. 4	Date: No: Sec. 11 Sub. 5	Date: No:
Aasheim	Y	N	Y	N	Y	Y	Y	
Loendorf	AB	AB	AB	AB	AB	AB	AB	
Bates	AB	AB	AB	Y	Y	Y	Y	
Bugbee	AB	AB	AB	Y	Y	AB	AB	
Cate	AB	AB	AB	Y	Y	Y	Y	
Harper	Y	Y	Y	Y	Y	Y	Y	
Johnson	Y	Y	Y	Y	Y	Y	Y	
Kelleher	AB	AB	AB	Y	Y	Y	Y	
Leuthold	Y	Y	Y	Y	Y	Y	Y	
Nutting	Y	N	Y	N	Y	Y	Y	
Reichert	Y	Y	Y	Y	Y	Y	Y	
Robinson	Y	Y	Y	Y	Y	Y	Y	
Romney	AB	AB	AB	Y	Y	Y	Y	
Skari	Y	Y	Y	Y	Y	Y	Y	
Y	8	6	8	11	13	12	12	
N	6	2	0	2	1	2	2	
AB	0	6	6	1	0	0	0	

ROLL CALL VOTE --- LEGISLATIVE COMMITTEE

Minority Report

Minority Report

	Date: No: *DP 101	Date: No: *DP 19	Date: No: Sec. 1	Date: No: UM Sec. 2	Date: No: BICAM. Sec. 2	Date: No: [illegible] Sec. 3	Date: No: [illegible]	Date: No:
Aasheim	N	Y	Y	Y	Y	Y	Y	
Loerdorf	N	Y	Y	Y	Y	Y	Y	
Bates	N	Y	Y	N	N	N	Y	
Bugbee	N	Y	Y	Y	Y	Y	Y	
Cate	N	Y	Y	Y	Y	Y	Y	
Harper	N	Y	Y	Y	Y	N	Y	
Johnson	AB	AB	Y	Y	N	N	Y	
Kelleher	Y	N	Y	Y	Y	N	Y	
Leuthold	N	Y	Y	Y	Y	Y	Y	
Nutting	N	Y	Y	Y	N	Y	Y	
Reichert	N	Y	Y	Y	Y	Y	Y	
Robinson	N	AB	Y	Y	Y	Y	Y	
Romney	N	N	Y	N	N	N	Y	
Skari	N	Y	Y	Y	Y	Y	Y	
Y	1	10	14	12	10	9	14	
N	12	2	0	2	4	5	0	
AB	1	2	0	0	0	0	0	

*Delegate Proposal

Minority Report

Minority Report

ROLL CALL VOTE --- LEGISLATIVE COMMITTEE

2/10/72

	Date: No: Sec. 9 Sub. 1	Date: No: Sec. 9 Sub. 2	Date: No: Sec. 9 Sub. 3	Date: No: Sec. 10 Sub. 1	Date: No: Sec. 10 Sub. 2	Date: No: Sec. 10 Sub. 3	Date: No: Sec. 10 Sub. 4	Date: No: Sec. 10 Sub. 5
Aasheim	N	N	Y	Y	Y	N	N	Y
Loendorf	AB	AB	AB	AB	AB	AB	AB	AB
Bates	N	AB	AB	AB	AB	AB	AB	AB
Bugbee	Y	Y	Y	Y	N	Y	Y	Y
Cate	N	Y	Y	AB	AB	AB	AB	AB
Harper	N	Y	Y	Y	Y	Y	Y	Y
Johnson	AB	N	Y	Y	Y	N	N	Y
Kelleher	Y	AB	AB	AB	AB	AB	AB	AB
Leuthold	N	N	Y	Y	Y	Y	Y	Y
Nutting	N	N	N	Y	Y	Y	N	Y
Reichert	Y	AB	AB	Y	AB	Y	Y	Y
Robinson	Y	Y	Y	Y	Y	Y	Y	Y
Romney	AB	AB	AB	AB	AB	AB	AB	AB
Skari	N	N	Y	Y	Y	Y	Y	Y
Y	4	4	8	8	7	7	6	9
N	7	5	1	5	1	2	3	0
AB	3	5	5	1	6	5	5	5

ROLL CALL VOTE --- LEGISLATIVE COMMITTEE

	Date: No: Sec. 12	Date: No: Bicam. Sec. 14	Date: No: Unic. Sec. 14	Date: No: Sub.6 Amed. Sec. 13	Date: No: Sub.1,2,3,4, &5 Sec. 13	Date: No: Sub. Sec. 11	Date: No: Sec. 11	Date: No: Sec. 11
Aasheim	Y	Y	Y	N	Y		Y	N
Loendorf	Y	Y	Y	N	Y	Y	N	
Bates	Y	Y	Y	N	Y	Y	Y	
Bugbee	Y	Y	Y	N	Y	Y	N	
Cate	Y	Y	Y	N	AB	AB	N	
Harper	Y	Y	Y	N	Y	Y	N	N
Johnson	Y	Y	Y	N	Y	Y	N	Y
Kelleher	AB	AB	AB	Y	AB	AB	Y	Y
Leuthold	Y	Y	Y	N	Y	Y	N	Y
Nutting	Y	Y	Y	N	Y	Y	N	Y
Reichert	Y	Y	Y	N	Y	N	N	N
Robinson	Y	Y	Y	Y	Y	N	N	N
Romney	Y	Y	Y	Y	Y	Y	N	Y
Skari	AB	AB	AB	N	Y	Y	N	Y
Y	12	12	12	3	12	10	1	7
N	0	0	0	11	0	2	13	6
AB	2	2	2	0	2	2	0	1

2/11/72

ROLL CALL VOTE --- LEGISLATIVE COMMITTEE

	Date:Cate No:Amdmt. Sec. 35	Date: No:	Date: No:	Date: No:	Date: No:	Date: No:	Date: No:	Date: No:
Aasheim	AB							
Loendorf	Y							
Bates	Y							
Bugbee	Y							
Cate	Y							
Harper	Y							
Johnson	N							
Kelleher	Y							
Leuthold	Y							
Nutting	N							
Reichert	Y							
Robinson	Y							
Romney	Y							
Skari	Y							
Y	11							
N	2							
AB	1							

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

EXECUTIVE COMMITTEE PROPOSAL

Date Reported: February 17, 1972

/s/ Thomas F. Joyce, Chairman

/s/ J. C. Garlington, Vice Chairman

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Date: February 15, 1967

To: INDIANA CONSTITUTIONAL CONVENTION

From: Executive Committee

Letter of Sentiment:

The Executive Committee transmits herewith a proposed new executive article replacing Articles II, VII and XIV of the present constitution.

In summary it repeals Article II relating to now abandoned military code entirely, inserts the militia provision of Article XIV into the new executive article, and completely rewrites the executive article. The changes and reasons therefor are set forth in the comments after each new section.

The new article makes these changes.

(1) It eliminates from the Constitution, but does not abolish, the state treasurer, state auditor, state examiner, board of parions, board of examiners and board of prison commissioners;

(2) The lieutenant governor and governor must run as a team in the primary and general elections.

(3) The office of lieutenant governor is permitted to be a full time position.

(4) It provides the superintendent of public instruction may be made an appointive office by the legislature in the future.

(5) The salaries of elected officials may be increased but not decreased during the term.

(6) The executive budget is given Constitutional recogni-

tion.

(7) The governor's veto power is modified by permitting the amendatory veto and the "pocket" veto is eliminated.

(8) The lieutenant governor will not assume the powers of governor until he is absent from the state for 45 days, unless the governor authorizes him in writing to so act in the first 45 day period.

(9) It establishes a comprehensive disability procedure to determine the disability of the governor.

(10) It clarifies the filling of vacancies of elected offices.

The committee is grateful to all the elected state officials, past and present, the administrative department heads, the delegates who submitted proposals and all who appeared before the committee. Special thanks go to Miss Karen Beck, our research analyst, and John Crawford, the college intern assigned to our committee and to our efficient and conscientious secretary, Mrs. Barbara Lester.

By signing the majority proposal the committee members do not necessarily endorse each and every provision therein contained.

We trust that we have submitted an improved executive article for the consideration of the delegates and will graciously accept their final decision in the premises.

/s/ Thomas F. Joyce
Chairman

/s/ J. C. Garlington
Vice Chairman

MAJORITY REPORT

BE IT PROPOSED BY THE EXECUTIVE COMMITTEE:

That there be a new Article on the Executive to read as follows:

ARTICLE

THE EXECUTIVE

Section 1. OFFICERS. (1) The executive department shall consist of a governor, lieutenant governor, secretary of state, attorney general, and superintendent of public instruction.

(2) The superintendent of public instruction shall be the chief educational officer of the state, and shall have such qualifications, duties, salary, term of office and manner of election or selection as is provided by law.

(3) Except as herein provided for the superintendent of public instruction, each shall hold his office for a term of four years, commencing on the first Monday of January next succeeding his election and until a successor is elected and qualified.

(4) Each shall reside at the seat of government, where he shall keep the public records of his office.

(5) Each shall perform such duties as are prescribed in this Constitution, and by law.

Section 2. ELECTION. (1) The governor, lieutenant governor, secretary of state, attorney gereral and the superintendent of public instruction, if his election is provided by law, shall be elected by the qualified electors of the state at a general election held and finally determined as provided by law.

(2) Each candidate for governor shall file jointly with a candidate for lieutenant governor in primary elections, or otherwise comply with nomination procedures, so that the offices of governor and lieutenant governor shall be voted upon together in primary and general elections, as provided by law.

Section 3. QUALIFICATIONS. (1) Any person shall be eligible to the office of governor, lieuterant governor or secretary of state if he or she is a citizen of the United States, a resident of Montana for two years next preceding the election, and is otherwise a qualified voter.

(2) In addition to the foregoing qualifications, any person

of the supreme court of the state of Montana, and have engaged in the active practice thereof for five years next preceding election.

Section 4. POWERS. (1) The executive power of the state is vested in the governor, who shall see that the laws are faithfully executed. He shall have such other duties as are herein provided, and as provided by law.

(2) The lieutenant governor shall perform the duties delegated to him by the governor, and those provided for him by law, but no power specifically vested in the governor by this Constitution may be delegated to the lieutenant governor in this manner.

(3) The secretary of state shall maintain the official records of the acts of the legislative assembly, and of the executive department, as provided by law. He shall keep the great seal of the state of Montana, and perform any other duties provided by law.

(4) The attorney general shall be the legal officer of the state, with the duties and powers provided by law.

Section 5. COMPENSATION. (1) Officers of the executive department shall receive salaries provided by law, which may be increased but not decreased during the term of office.

(2) No elected officer of the executive department may during his term hold any other public office, or receive compensation for his services from any governmental agency. He may be a candidate for any public office during his term.

Section 6. VACANCY IN OFFICE. (1) If the office of lieutenant governor becomes vacant by his succession to the office of governor, or by his death, resignation or disability as determined by law, the governor shall appoint a qualified person to hold and serve in that office for the remainder of its term.

(2) If the office of secretary of state or attorney general becomes vacant by death, resignation or disability as determined by law, the governor shall appoint a qualified person to hold and serve in that office until the next general election, and until his successor is elected and qualified. The person elected to fill such vacancy shall hold the office until the expiration of the term for which the person he succeeds was elected.

(3) If the office of superintendent of public instruction becomes vacant, it shall be filled in the manner above provided if it is at the time an elective office; otherwise it shall be filled as provided by law.

Section 7. 20 DEPARTMENTS. All executive and administrative

offices, boards, bureaus, commissions, agencies and instrumentalities of the executive department of state government and their respective functions, powers, and duties, except for the office of governor, lieutenant governor, secretary of state, attorney general and superintendent of public instruction shall be allocated by law among and within not more than 20 departments. Subsequently, all new powers or functions shall be assigned to departments, divisions, sections, or units in such manner as will tend to provide an orderly arrangement in the administrative organization of state government. Temporary commissions may be established by law and need not be allocated within a principal department.

Section 8. APPOINTING POWER. (1) The principal departments provided for in section 7 shall be under the supervision of the governor, and, except as otherwise provided herein or by law, shall be headed by a single executive appointed by the governor and subject to confirmation by the legislature. Such executives shall hold office until the end of the term of the governor, unless sooner removed by the governor.

(2) The governor shall appoint, subject to confirmation by the legislature all officers provided for by this Constitution or by law and whose appointment or election or term is not otherwise provided for. They shall hold office until the end of the term of the governor unless sooner removed by the governor.

(3) If a vacancy in any such office occurs during a recess of the legislature, the governor shall appoint some fit person to discharge the duties thereof until the next meeting of the legislature, when the office shall be filled by appointment and confirmation.

(4) No person not confirmed by the legislature for an office shall, except at its request, be nominated again for that office at the same session, or be appointed to that office during a recess of the legislature.

Section 9. BUDGET AND MESSAGES. The governor shall at the beginning of each legislative session, and may at other times, give the legislature information and recommend measures he considers necessary. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state.

Section 10. VETO POWER. (1) All bills passed by the legislature, except bills proposing amendments to the Montana Constitution, bills ratifying proposed amendments to the United States Constitution, resolutions, and initiative and referendum measures, shall be submitted to the governor who shall sign or veto every bill within five days after its delivery to him if the legislature is in session, or within 25 days if the legislature is adjourned. The governor shall return vetoed bills to the

legislature with a statement of his objections.

(4) The governor may return any bill to the legislature with his objections and with a recommendation for an amendment or amendments to it. If the legislature passes the bill in accordance with the governor's recommendation, it shall again return the bill to the governor for his reconsideration. The governor shall not return a bill a second time, for amendment.

(5) Upon receipt of a veto message, the legislature shall reconsider passage of the vetoed bill. A two-thirds vote of the members present overrides the veto, and the bill shall become law.

(6) If the legislature is not in session when the governor vetoes a bill, he shall return the bill with his objections to the legislature in a manner authorized by law. The legislature, as provided in section 11, may reconvene itself to reconsider any bills so vetoed by the governor.

(7) The governor may veto items in appropriation bills, and in such instances the procedure shall be the same as upon veto of an entire bill.

Section 11. SPECIAL SESSION. Whenever the governor considers it in the public interest, he may convene the legislature, either house, or the two houses in joint session. At the written request of two-thirds of the members of each house, the presiding officers of both houses shall convene the legislature in special session.

Section 12. PARDONS. The governor shall have the power to grant reprieves, commutations and pardons after conviction, reinstate citizenship and may suspend and remit fines and forfeitures subject to procedures prescribed by law.

Section 13. MILITIA. (1) The governor shall be commander-in-chief of the militia forces of the state, except when these forces are in the actual service of the United States, and shall have power to call out any part of the whole of said forces to aid in the execution of the laws, to suppress insurrection or to repel invasion.

(2) The militia forces shall consist of all able-bodied citizens of the state except such persons as are exempted by law.

Section 14. SUCCESSION. (1) If the governor-elect is disqualified, or dies, the lieutenant governor-elect upon qualifying for the office shall become governor for the full term. If the governor-elect fails to assume office for any other reason, the lieutenant governor-elect upon qualifying as such shall serve as acting governor until the governor-elect qualifies for office, or until the office becomes vacant.

(2) The lieutenant governor shall serve as acting governor when requested in writing by the governor to do so. He shall serve as acting governor during the absence from the state of the governor for any period in excess of 45 days.

(3) He shall also serve as acting governor when the governor is disabled and by reason of that disability is unable to communicate to the lieutenant governor the fact of his inability to perform the duties of his office. The lieutenant governor in such event shall continue to serve as acting governor until the governor resumes the duties of his office.

(4) Whenever the lieutenant governor and attorney general transmit to the presiding officer of the legislature their written declaration that the governor is unable to discharge the powers and duties of his office, the legislature shall convene.

(5) If the legislature, within 21 days after convening, determines by two-thirds vote of its members present that the governor is unable to discharge the powers and duties of his office, the lieutenant governor shall enter upon and discharge the same as acting governor; thereafter, when the governor transmits to the presiding officer of the legislature his written declaration that no inability exists, he shall resume the powers and duties of his office within 15 days, unless the legislature determines otherwise by two-thirds vote of its members. If the legislature so determines, the lieutenant governor shall continue to discharge the powers and duties of the office as acting governor.

(6) If the office of governor becomes vacant by reason of death, resignation, or disqualification, the lieutenant governor shall become governor for the remainder of the term.

(7) Additional succession to such vacancies shall be as provided by law.

(8) When there is a vacancy in the office of governor, the successor shall have the title, powers, duties and emoluments of that office and shall be the governor. When the successor serves as acting governor for a temporary period, he shall have only the powers and duties of the office for the period during which he serves as such.

/s/ Thomas F. Joyce
Chairman

/s/ J. C. Garlington
Vice Chairman

/s/ Harold Arbanas

/s/ Fred J. Martin

/s/ Richard J. Nordin

/s/ Margaret S. Warden

COMMENTS ON MAJORITY PROPOSAL

Section 1. OFFICERS. (1) The executive department shall consist of a governor, lieutenant governor, secretary of state, attorney general, and superintendent of public instruction.

(2) The superintendent of public instruction shall be the chief educational officer of the state, and shall have such qualifications, duties, salary, term of office and manner of election or selection as is provided by law.

(3) Except as herein provided for the superintendent of public instruction, each shall hold his office for a term of four years, commencing on the first Monday of January next succeeding his election and until a successor is elected and qualified.

(4) Each shall reside at the seat of government, where he shall keep the public records of his office.

(5) Each shall perform such duties as are prescribed in this Constitution, and by law.

COMMENTS

The first sentence of section 1 reveals the decision of the majority of the executive committee as to the length of the ballot--it is neither "short" nor "long". By a minority report, the "long" ballot is favored, and by an amendment to be presented on the floor the "short" ballot will be proposed. Thus, the convention will consider in all its aspects the structure of the state executive department.

The majority decision is to remove from the Constitution the offices of state treasurer and state auditor, and to place in optional elective or appointive status the superintendent of public instruction. In addition, the committee is unanimous in removing from the Constitution the office of state examiner (section 8). In reaching this decision, the committee emphasizes to the convention that removal from the Constitution does not automatically delete or terminate the offices affected. They remain statutory offices until changed by the legislature, and all the arguments advanced to this committee for retaining them as elective offices are equally applicable to the legislature.

The principal reason for the committee decision is that the functions of the state treasurer, state auditor and state examiner are changing materially under the reorganization plan, and we believe that their future position should therefore not be

"illegal" in their present form. Similar considerations apply to the superintendent of public instruction, as will be explained later.

Having stated the essence of our decision on these subjects, we will describe briefly our procedures in making them. We interviewed practically all of the principal officers of the executive department so as to learn how their functions have been affected by reorganization under the amendment approved by the voters in 1970, and how their functions may serve as forms of check and balance of other functions. From this information, analyzed and compared with the modern trends in other states where applicable to conditions in Montana, we concluded with respect to the several offices:

Governor - the people having decisively voted to implement a well-ordered executive department of government in place of the 100 or more boards, bureaus, commissions, etc., it is clear that a strong and responsive chief executive is desired. We have clarified his powers and duties accordingly.

Lieutenant Governor - consistent with the above, we have authorized an effective, full time lieutenant governor to assist the governor, and to become a trained and responsible successor to the governor should that become necessary. It is clear that the governor's increasing duties and responsibilities require more adequate staff support, and the lieutenant governor's position is an appropriate part of it. To obtain the maximum of effective cooperation between these two officers, we have provided that they shall be nominated and elected together.

Attorney General - he is the chief legal officer of the state. He prosecutes or defends all litigation in which the state is a party. He is legal counsel to all state officers and agencies. He supervises many of the functions of county attorneys, and through them the county officers and agencies. In addition to this, he is legal adviser to the governor, and here there arises divergence of opinion as to whether he should be appointed by the governor (so as to be fully compatible with his client, so to speak) or be elected by the people (so as to be primarily responsible to them).

The majority of our committee believes he should be in independent status as an elected officer, charged with enforcement of all the law for all the people. Since the governor already has much authority, through the appointing power particularly, we favor having an independent attorney general free to inquire into the faithful performance of duty by any state official or employee. We believe the governor should have the right and opportunity to choose his own legal counsel, but that such counsel should be a part of his official staff rather than the attorney general.

Secretary of State - this office has a long historical and

traditional significance, and we think there is valid reason to retain it for practical purposes as well as tradition. As official custodian of the state's most important legislative and executive documents, we believe he also should have the clear safeguard of independent election with Constitutional status. His principal functions are ministerial, not policy forming, and by removing certain Constitutional boards on which he has served, there is little basis for fear that his position might in the future hamper the executive function of the governor.

State Treasurer -

State Auditor - these offices are primarily charged with duties in the financial area. With the advent of reorganization, the entire accounting and bookkeeping process of all state and local agencies is being converted into a uniform pattern. Also, the legislature has developed the process of legislative post-audit, and there is a growing pre-audit system. The committee believes it unwise to retain in Constitutional status two offices whose principal service is in this very fluctuating field, and that efficient auditing and record keeping should be allowed to develop flexibly through legislation as technology and experience permit.

Superintendent of Public Instruction - this office is a part of the executive department, and yet it affects solely the educational function, as established by Article XI. We fully explored the duties of this office, and its relation to the state board of education, in order to determine whether it should be included, excluded or modified. It performs practically no function exclusively referable to the university system, and the board performs practically no function referable to elementary and secondary education. Thus, the board is, in net effect, a lay board charged with complex responsibilities in a professional field, and is without full-time professional counsel and assistance. There is much public support for obtaining by appointment instead of election a professional educator to fill the gap which exists by virtue of the present Constitution. There is also support for retaining the present status of the superintendent's office. There is also clear need to resolve the doubt and ambiguity which currently exist as to the respective duties and authorities of the board and the superintendent, now resolved simply by mutual forbearance. There is clear prophecy of vast change in the educational field, due to the Constitutional problems as to property tax equality now being litigated in California, Texas and Minnesota. Therefore, the committee believes the whole structure of Montana's $100,000,000 per year educational system should not remain frozen in any form in the Constitution, and proposes to handle the superintendent's office by an optional method which allows the legislature to make the office elective or appointive as in its current judgment it finds most advantageous.

Board of Examiners - composed of the governor, attorney general and secretary of state, this board once was very powerful.

It is no longer necessary, meeting once a month for a few minutes to consider unliquidated claims (if any) against the state. This change has occurred through the reorganization. Being no longer useful, the committee believes it should be deleted from the Constitution, to be revived by legislation if necessity for it should again arise.

State Examiner - Most Constitutions do not create an office of state examiner, but Montana did in 1889. While he once examined the accounts of some state offices, he has become the examiner only of county and local agencies now. The legislative audit has greatly changed his function, and many more changes are anticipated. It has not yet been determined how Montana's ultimate centralized accounting and record system, on a uniform basis, will be audited, as this must await its completion. In any event, this is a statutory matter which should be free for adjustment by the legislature as changing conditions may require. The state examiner himself concurs in this view.

Section 2. ELECTION. (1) The governor, lieutenant governor, secretary of State, attorney general and the superintendent of public instruction, if his election is provided by law, shall be elected by the qualified electors of the state at a general election held and finally determined as provided by law.

(2) Each candidate for governor shall file jointly with a candidate for lieutenant governor in primary elections or otherwise comply with nomination procedures, so that the offices of governor and lieutenant governor shall be voted upon together in primary and general elections, as provided by law.

COMMENTS

The major change in this section is the provision requiring the candidates for governor and lieutenant governor to run as a team at the time of filing. This is similar to the federal pattern.

The committee's intent was to make the lieutenant governor's duties full-time with the legislature providing adequate compensation commensurate with the responsibilities to be delegated by the governor and the legislature. These would provide the lieutenant governor with an insight to governmental responsibilities which would be of great value in the event he would have to assume the governorship. The committee was aware and is in agreement with the legislative department committee's decision eliminating the Constitutional requirement that the lieutenant governor must preside over the senate. More meaningful duties thus can be assigned to this office.

Other Elective Officials

The article provides for the election of the secretary of state and the attorney general, but makes optional with the legislature the election or selection of the state superintendent of public instruction.

Section 3. QUALIFICATIONS. (1) Any person shall be eligible to the office of governor, lieutenant governor or secretary of state if he or she is a citizen of the United States, a resident of Montana for two years next preceding the election, and is otherwise a qualified voter.

(2) In addition to the foregoing qualifications, any person to be eligible to the office of attorney general shall be an attorney in good standing admitted to practice law in the state of Montana, and have engaged in the active practice thereof for five years before election.

COMMENTS

The major deletion in article 3 was removal of the age requirement for all candidates except the attorney general. This age deletion was discussed in detail, but the majority of the committee concluded the people, the basic power source for effective government, could be relied upon to make the proper judgment as to candidates' qualifications and abilities to cope with the responsibilities elective officials acquire with election. The majority of the committee concluded the newly franchised young voters would vote just as wisely and cautiously as do their elders.

The exception for the attorney general was to conform with the proposed judicial article requiring five years of active practice before election, which would require a candidate to be at least 26 years of age.

Section 4. DUTIES. (1) The executive power of the state is vested in the governor, who shall see that the laws are faithfully executed. He shall have such other duties as are herein provided, and as provided by law.

(2) The lieutenant governor shall perform the duties delegated to him by the governor, and those provided for him by law, but no power specifically vested in the governor by this Constitution may be delegated to the lieutenant governor in this manner.

(3) The secretary of state shall maintain the official records of the acts of the legislative assembly,

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executive department, as provided by law. He shall keep the great seal of the state of Montana, and perform such duties as provided by law.

(4) The attorney general shall be the legal officer of the state, with the duties and powers provided by law.

COMMENT

This section retains Article VII, section 5 of the present constitution with the deletion of the word "supreme" as superfluous. It acknowledges the governor is the chief executive and has power of control of the executive branch of the government. This power, as is limited in this connection by laws passed by the legislature, and is further limited by this section from direct responsibility of performing the duties assigned the secretary of state and attorney general. Yet he is charged with duty to see that these officials perform the duties assigned to them by law.

In specifying dual duties for the lieutenant governor, namely those delegated to him by the governor as well as those that may be delegated to him by law, this section makes it Constitutionally permissible for the legislature to make this a full time position. However, neither the governor nor the legislature can delegate to him constitutional duties assigned to the governor, such as, the veto power, the appointive power, the budgetary power, the pardoning power and others specifically set forth in the executive article. To assume any of these powers the lieutenant governor must become acting governor as hereinafter provided.

It is important to note that this section deletes the present constitutional authority of the lieutenant governor to assume the powers of the governor every time the governor leaves the state.

The secretary of state is made the official keeper of the great seal and the official records. He can also continue to be the supervisor of elections as he may perform duties prescribed by law. By undertaking to set forth specific duties it is hoped that future assignment of duties by law to this office will be confined to the same general area and that the secretary of state will not be made a policy maker. However, we recognize the power of the legislature is plenary.

Similarly, this section recognizes that the principal duties of the attorney general will be to act as the legal officer of the state. The committee considered, but rejected, including his recently acquired statutory duties with respect to law enforcement and public safety. While the committee believes it is proper

he should have such duties they should not be Constitutionally required. Again it is hoped this office will not be made a policy maker.

Section 5. COMPENSATION. (1) Officers of the executive department shall receive salaries provided by law, which may be increased but not decreased during the term of office.

(2) No elected officer of the executive department may during his term hold any other public office, or receive compensation for his services from any governmental agency. He may be a candidate for any public office during his term.

COMMENTS

This section changes the present Constitutional provision that permits decreases but bars increases in salary during the term. The reverse is now permitted. The present Constitutional prohibition regarding increases in salary have made it impossible to realistically adjust for inflationary pressures in the economy, and the risk that the legislature will be over generous is not warranted by our history.

The committee considered delegate proposal 39 creating a wage board, but thought it to be a legislative matter. The changes made in this section should give the legislature the courage to set just and fair salaries for elected officials.

The second paragraph makes clear an elected official cannot hold two public offices at the same time, nor can he be on two government payrolls nor receive compensation from the federal and state governments for performing governmental duties. It also clears any ambiguity that arises from the last sentence of the present Article VII, section 4, and makes it clear the officers of the executive department can seek another office without resigning. Upon election, of course, he must resign or decline one or the other.

Section 6. VACANCY IN OFFICE. (1) If the office of lieutenant governor becomes vacant his succession to the office of governor, or by his death, resignation or disability as determined by law, the governor shall appoint a qualified person to hold and serve in that office for the remainder of its term.

(2) If the office of secretary of state or attorney general becomes vacant by death, resignation or disability as determined by law, the governor shall appoint a qualified person to hold and serve in that office until the next general election, and until his

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...governor is elected and qualified. The person elected to fill such vacancy shall hold the office until the expiration of the term for which the person he succeeds was elected.

(3) If the office of superintendent of public instruction becomes vacant, it shall be filled in the manner above provided if it is at that time an elective office; otherwise it shall be filled as provided by law.

COMMENTS

...section presupposes the governor and lieutenant governor will run as a team. It was therefore thought desirable to allow the governor to appoint his own teammate for the remainder of the term when a vacancy exists in the office of lieutenant governor. However, with the other officers we followed the established pattern of requiring election if the vacancy occurs in the first half of the term.

...appropriate exception is made if the superintendent of public instruction is made an appointive position by the legislature in the future.

Section 7. [2] DEPARTMENTS. All executive and administrative offices, boards, bureaus, commissions, agencies and instrumentalities of the executive department of state government and their respective functions, powers, and duties, except for the office of governor, lieutenant governor, secretary of state, attorney general and superintendent of public instruction shall be allocated by law among and within not more than 20 departments. Subsequently, all new powers or functions shall be assigned to departments, divisions, sections, or units in such manner as will tend to provide an orderly arrangement in the administrative organization of state government. Temporary commissions may be established by law and need not be allocated within a principal department.

COMMENTS

The 1889 Constitution's inherent contradiction -- the delegation of executive power to the governor, yet restricting that power due to diffusion in Constitutional boards -- has been clarified by the adoption of the executive reorganization amendment and the proposed corollary changes in this executive article.

Previously, the divided powers of boards of elective officers, such as the board of examiners, made a mockery of section 5 of the present Constitution: "The supreme executive power of the state shall be vested in the governor, who shall see that the laws are faithfully executed.". The governor, under reorganization and in this article, has the responsibility and the accountability to the electorate and the legislature. This fundamental principle of delegation of power is an important breakthrough in the continuing effort for effective, responsible, viable and efficient government. The state's chief executive will be chief in fact, not in rhetoric.

The majority of the committee deleted as Constitutional and elective officers the offices of state auditor and state treasurer in accordance with the conviction that the responsibilities and duties could be included under the 20 department reorganization amendment and statutes.

Section 8. APPOINTING POWER. The principal departments provided for in section 7 shall be under the supervision of the governor, and, except as otherwise provided herein or by law, shall be headed by a single executive appointed by the governor and subject to confirmation by the legislature. Such executives shall hold office until the end of the term of the governor, unless sooner removed by the governor.

(2) The governor shall appoint, subject to confirmation by the legislature all officers provided for by this Constitution or by law and whose appointment or election or term is not otherwise provided for. They shall hold office until the end of the term of the governor unless sooner removed by the governor.

(3) If a vacancy in any such office occurs during a recess of the legislature, the governor shall appoint some fit person to discharge the duties thereof until the next meeting of the legislature, when the office shall be filled by appointment and confirmation.

(4) No person not confirmed by the legislature for an office shall, except at its request, be nominated again for that office at the same session, or be appointed to that office during a recess of the legislature.

COMMENTS

The fundamental concept of checks and balances by separate branches of government is a key part of section 8. The governor has been delegated supervisory powers in this article in accord to his Constitutional designation of executive power and the

reorganization amendment and statutes already approved.

[illegible] in keeping with the legislative implementation, dating back to the 1920's, of such a program. However, the [illegible] to reverse a trend whereby executive power had [illegible] by creation of more than 160 [illegible] with little executive or legislative supervision.

[illegible], the governor has been delegated that power, [illegible] of the right to appoint and remove heads of the [illegible] departments. However, the legislature has the power to [illegible] with added safeguards to protect reappointees [illegible].

Section . BUDGET AND MESSAGES. The governor shall at the beginning of each legislative session, and may at other times, give the legislature information and recommend measures he considers necessary. The governor shall submit to the legislature at a time fixed by law, but not later than the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state.

COMMENTS

This section adopts the proposal of the Constitution revision sub-committee made in 1968, and is in accordance with the prior recommendation of the legislative council. The present statutory responsibility of the governor to submit an executive budget to the legislature is made mandatory by the Constitution.

It revises section 1, of the present Article VII, and eliminates the "excess verbiage." The other requirements of present section 1 are and should be governed by statute and administrative procedures.

Section 11. VETO POWER. (1) All bills passed by the legislature, except bills proposing amendments to the Alaska Constitution, bills ratifying proposed amendments to the United States Constitution, resolutions, and initiative and referendum measures, shall be submitted to the governor who shall sign or veto every bill within five days after its delivery to him if the legislature is in session, or within 25 days if the legislature is adjourned. The governor shall return vetoed bills to the legislature with a statement of his objections.

(2) The governor may return any bill to the legislature with his objections and with a recommendation for an amendment or amendments to it. If the legislature passes the bill in accordance with the

governor's recommendation, it shall again return the bill to the Governor for his reconsideration. The governor shall not return a bill a second time, for amendment.

(3) Upon receipt of a veto message, the legislature shall reconsider passage of the vetoed bill. A two-thirds vote of the members present overrides the veto, and the bill shall become law.

(4) If the legislature is not in session when the governor vetoes a bill, he shall return the bill with his objections to the legislature in a manner authorized by law. The legislature, as provided in section 11, may reconvene itself to reconsider any bills so vetoed by the governor.

(5) The governor may veto items in appropriation bills, and in such instances the procedure shall be the same as upon veto of an entire bill.

COMMENTS

This section removes the governor from the process of amending the state and federal Constitutions. Constitutional amendments initially must be approved by a two-thirds vote in each house, which is the same majority required to override a gubernatorial veto. Therefore, there is no reason to involve the governor in the process. Similarly, the signature of the governor is not required for resolutions because resolutions do not have the effect of law. Consistent with section 1 of Article V of the present Constitution, the governor has no veto power over initiative and referendum measures.

By the requirement in subsection 1 that the governor sign or veto every bill presented to him, the "pocket veto" is eliminated. Furthermore, subsection 4 authorizes the legislature to reconvene to consider post-session vetoes. The time period for gubernatorial consideration of bills after adjournment of the legislature has been lengthened from 15 to 25 days to give the governor sufficient time to adequately study bills and in recognition of the "log-jam" of legislation passed in the closing days of the legislature.

The committee considered and rejected the reduction veto, which is the power to reduce items in appropriation bills, because the members believe such a veto could result in irresponsibility. The reduction veto encourages the legislature to appropriate large sums of money to popular causes, shifting the onus of reducing the appropriations to the governor, while it also enables the governor to thwart an activity or program without the stigma of killing it.

The Committee did, however, criticize the amendatory veto in substitution of, which permits the governor to return a bill to the legislature with specific objections for changes that would make the bill acceptable to him. If the legislature by majority vote of the members present accepts the governor's recommendations, the bill is resubmitted to the governor for reconsideration. The governor is prohibited from returning the bill a second time. The Committee would recommend the situations when the governor disapproves only parts of a bill and recognizes its general merit. In those states which authorize the amendatory veto, it is utilized more often than the regular veto. The power of amendatory veto is limited to appropriation bills. In addition, the item veto is retained in subsection 5.

Section 11. SPECIAL SESSION. Whenever the governor considers it in the public interest, he may convene the legislature, either house, or the two houses in joint session. He shall upon written request of two-thirds of the members of each house, the presiding officers of both houses shall convene the legislature in special session.

COMMENTS

This section revises present section 11 of Article VII. It continues the power of the governor to call special sessions but removes the present authority to confine the subjects to be considered. If the legislature is given power to call itself into session the present limitation would be ineffective in any case.

This section also permits the legislature to call itself into session by a two-thirds vote of the full membership. The decision on this question will be reached in the legislative committee hearings.

Section 12. PARDONS. The governor shall have the power to grant reprieves, commutations and pardons after conviction, reinstate citizenship and may suspend and remit fines and forfeitures subject to procedures prescribed by law.

COMMENTS

This section revises the present section 9 of Article VII. It deletes all the material after the proviso in the present section. The power of the governor to grant reprieves, commutations and pardons is still made subject to procedures prescribed by law.

The legislature has now provided for an appointive lay board of pardons and paroles. It no doubt will continue to do so. Yet it seems to the majority of the committee unnecessary to require it. The executive reorganization director and the present chairman of the board of pardons recommended the deletion.

The historical power of the chief executive to show mercy should be retained, and the majority believe there is no Constitutional need for a buffer board appointed by the governor.

By making no reference to the board of prison commissioners in present section 20, the majority of the committee suggests repeal. The control of the prison has been assigned by law to the department of institutions and the Constitutional board consisting of the governor, attorney general and secretary of state has not been performing its Constitutional duty in fact for many years. The executive reorganization director recommends the repeal to conform to the fact.

> Section 13. MILITIA. The governor shall be commander-in-chief of the militia forces of the state, except when these forces are in the actual service of the United States, and shall have power to call out any part of the whole of said forces to aid in the execution of the laws, to suppress insurrection or to repel invasion.
>
> (2) The militia forces shall consist of all able-bodied citizens of the state except such persons as are exempted by law.

COMMENTS

The subject of military matters appears in Article II, Article XIV, and the above section which gives the governor command of the state militia. It no longer has the significance it did in frontier times, and has become largely superseded or obsolete. The committee recommends simple repeal of Article II and Article XIV, and inclusion of the first paragraph of former Article XIV into section 13 above.

Article II - Research by the legislative council shows that none of the military reservations referred to in this article presently exist as such. No similar article exists in other Constitutions. Its subject matter having passed out of existence, so also should the article.

Article XIV - except for its section 1, which we have included in our section 13, this article merely refers to various matters on which the legislature was to pass legislation. Since it could as well do so without such provisions in the Constitution, they serve no useful purpose, and it is simply proper

drafting of limitations. This is also recommended by the legislative council. Other Constitutions do not contain similar provisions.

The first paragraph of this section is former section 6 carried forward without change.

The second paragraph is taken from section 1, Article XIV, without change except in one significant respect. The committee includes two lasting, forward-looking ladies who foresee the time when their sex will be liberated to equal responsibility for the safety of our state in time of trouble. They have volunteered feminine membership in the state militia, something which bodes well for the future of its readiness for action. Therefore, the draft as submitted omits the word "male" by necessity, and the age limitations by courtesy.

Section 14. SUCCESSION. (1) If the governor-elect is disqualified, or dies, the lieutenant governor-elect upon qualifying for the office shall become governor for the full term. If the governor-elect fails to assume office for any other reason, the lieutenant governor-elect upon qualifying as such shall serve as acting governor until the governor-elect qualifies for office, or until the office becomes vacant.

(2) The lieutenant governor shall serve as acting governor when requested in writing by the governor to do so. He shall serve as acting governor during the absence from the state of the governor for any period in excess of 45 days.

(3) He shall also serve as acting governor when the governor is disabled and by reason of that disability is unable to communicate to the lieutenant governor the fact of his inability to perform the duties of this office. The lieutenant governor in such event shall continue to serve as acting governor until the governor resumes the duties of his office.

(4) Whenever the lieutenant governor and attorney general transmit to the presiding officer of the legislature their written declaration that the governor is unable to discharge the powers and duties of his office, the legislature shall convene.

(5) If the legislature, within 21 days after convening, determines by two-thirds vote of its members present that the governor is unable to discharge the powers and duties of his office, the lieutenant governor shall enter upon and discharge the same as acting governor; thereafter, when the governor transmits to the presiding officer of the legislature his written declaration that no inability exists, he shall resume

the powers and duties of his office within 15 days, unless the legislature determine otherwise by two-thirds vote of its members. If the legislature so determines, the lieutenant governor shall continue to discharge the powers and duties of the office as acting governor.

(6) If the office of governor becomes vacant by reason of death, resignation, or disqualification, the lieutenant governor shall become governor for the remainder of the term.

(7) Additional succession to such vacancies shall be as provided by law.

(8) When there is a vacancy in the office of governor, the successor shall have the title, powers, duties and emoluments of that office and shall be the governor. When the successor serves as acting governor for a temporary period, he shall have only the powers and duties of the office for the period during which he serves as such.

COMMENTS

Subsection 1 authorizes the lieutenant governor-elect to become governor in the event of the death or disqualification of the governor-elect. The lieutenant governor-elect serves as acting governor if the governor-elect fails to assume office for any other reason. Such a provision is desirable because, in the absence of such a provision, the courts of at least five states have determined that the incumbent governor should continue in office when the governor-elect was unable to qualify for inauguration.

By subsection 2, the governor is authorized to request the lieutenant governor to serve as acting governor, whether or not the governor is absent from the state. Under this subsection, however, the lieutenant governor no longer becomes acting governor the moment the governor leaves the state. The committee believes that by utilizing modern communications the governor can effectively perform the duties of his office during a short term absence from the state. Furthermore, the governor is not prohibited from requesting the lieutenant governor to act during a short-time absence. After the governor has been absent from the state 45 days, however, the lieutenant governor does become acting governor. Such a provision should tend to discourage the governor from prolonged absences from the state.

Although Montana's Constitution presently provides for succession to the governorship in cases of "inability" of the governor "to discharge the powers and duties of his office", proce-

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[illegible] disability of the governor are not provided. Unfortunate experiences in several states with disabled governors and federal experience with presidential disability illustrate that procedure for determination of gubernatorial disability is necessary. The committee therefore proposes a disability determination provision based upon the model provided by the Twenty-fifth Amendment of the United States Constitution. As noted above, under subsection 2 the governor may request the lieutenant governor to serve as acting governor. This authority would extend to a situation when, for example, the governor is scheduled for surgery. Subsection 2 also authorizes the lieutenant governor to become acting governor when the governor is unable to communicate -- due, for example, to a stroke. When the governor recovers, he may resume the duties of his office.

Subsection 3 authorizes the lieutenant governor and attorney general to declare the governor's disability, whereupon the legislature convenes to determine the validity of the declaration. If two-thirds of the legislature agree that the governor is disabled, the lieutenant governor becomes acting governor. The governor may resume his office by declaring that the disability no longer exists unless the legislature prevents his resumption of powers by a two-thirds vote.

When the governorship becomes vacant, the lieutenant governor succeeds to the office of governor for the remainder of the term. When the lieutenant governor serves as acting governor, he exercises only the powers and duties of the office of governor.

MINORITY REPORT

BE IT PROPOSED BY THE MINORITY OF THE EXECUTIVE COMMITTEE:

That there be a new Article on the Executive to read as follows:

ARTICLE ___

THE EXECUTIVE

Section 1. OFFICERS. (1) The executive department shall consist of a governor, lieutenant governor, secretary of state, attorney general, and superintendent of public instruction and state auditor.

(2) Each shall hold his office for a term of four years, commencing on the first Monday of January next succeeding his election and until a successor is elected and qualified.

(3) Each shall reside at the seat of government, where he shall keep the public records of his office.

(4) Each shall perform such duties as are prescribed in this Constitution, and by law.

Section 2. ELECTION. (1) The governor, lieutenant governor, secretary of state, attorney general, state treasurer, the superintendent of public instruction and state auditor shall be elected by the qualified electors of the state at a general election held and finally determined as provided by law.

(2) Each candidate for governor shall file jointly with a candidate for lieutenant governor in primary elections, or otherwise comply with nomination procedures, so that the offices of governor and lieutenant governor shall be voted upon together in primary and general elections, as provided by law.

Section 3. QUALIFICATIONS. (1) No person shall be eligible to the office of governor, lieutenant governor, attorney general or superintendent of public instruction unless he has attained the age of 30 years at the time of his election, nor to the office of secretary of state, state auditor, or state treasurer, unless he has attained the age of 25 years. In addition to the qualifications above prescribed, each of the officers named shall be a citizen of the United States, and have resided within the state two years next preceding his election.

(2) In addition to the foregoing qualifications, any person to be eligible to the office of attorney general shall be an

attorney in good standing admitted to practice law in the state of Montana, and have engaged in the active practice thereof for five years before election.

Section 5. (1) The executive power of the state is vested in the governor, who shall see that the laws are faithfully executed. He shall have such other duties as are herein provided, and as provided by law.

(2) The lieutenant governor shall perform the duties delegated to him by the governor, and those provided for him by law, but no power specifically vested in the governor by this Constitution may be delegated to the lieutenant governor in this manner.

(3) The secretary of state shall maintain the official records of the acts of the legislative assembly, and of the executive department, as provided by law. He shall keep the great seal of the state of Montana, and perform any other duties provided by law.

(4) The attorney general shall be the legal officer of the state, with the duties and powers provided by law.

(5) The auditor shall be the custodian of all fiscal records of the state. He shall be the issuing officer for all state warrants, with other duties and powers provided by law.

Section 6. COMPENSATION. (1) Officers of the executive department shall receive salaries provided by law, which may be increased but not decreased during the term of office.

(2) No elected officer of the executive department may during his term hold any other public office, or receive compensation for his services from any governmental agency. He may be a candidate for any public office during his term.

Section 7. VACANCY IN OFFICE. (1) If the office of lieutenant governor becomes vacant by his succession to the office of governor, or by his death, resignation or disability as determined by law, the governor shall appoint a qualified person to hold and serve in that office for the remainder of its term.

(2) If the office of secretary of state, attorney general, auditor, treasurer and superintendent of public instruction becomes vacant by death, resignation or disability as determined by law, the governor shall appoint a qualified person to hold and serve in that office until the next general election, and until his successor is elected and qualified. The person elected to fill such vacancy shall hold the office until the expiration of the term for which the person he succeeds was elected.

Section 8. 20 DEPARTMENTS. All executive and administrative offices, boards, bureaus, commissions, agencies and instrumen-

talities of the executive department of state government and their respective functions, powers, and duties, except for the office of governor, lieutenant governor, secretary of state, attorney general and superintendent of public instruction shall be allocated by law among and within not more than 20 departments. Subsequently, all new powers or functions shall be assigned to departments, divisions, sections, or units in such manner as will tend to provide an orderly arrangement in the administrative organization of state government. Temporary commissions may be established by law and need not be allocated within a principal department.

Section 8. APPOINTING POWER. (1) The principal departments provided for in section 7 shall be under the supervision of the governor, and, except as otherwise provided herein or by law, shall be headed by a single executive appointed by the governor and subject to confirmation by the legislature. Such executives shall hold office until the end of the term of the governor, unless sooner removed by the governor.

(2) The governor shall appoint, subject to confirmation by the legislature, all officers provided for by this Constitution or by law and whose appointment or election or term is not otherwise provided for. They shall hold office until the end of the term of the governor unless sooner removed by the governor.

(3) If a vacancy in any such office occurs during a recess of the legislature, the governor shall appoint some fit person to discharge the duties thereof until the next meeting of the legislature, when the office shall be filled by appointment and confirmation.

(4) No person not confirmed by the legislature for an office shall, except at its request, be nominated again for that office at the same session, or be appointed to that office during a recess of the legislature.

Section 9. BUDGET AND MESSAGES. The governor shall at the beginning of each legislative session, and may at other times, give the legislature information and recommend measures he considers necessary. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state.

Section 10. VETO POWER. (1) All bills passed by the legislature, except bills proposing amendments to the Montana Constitution, bills ratifying proposed amendments to the United States Constitution, resolutions, and initiative and referendum measures, shall be submitted to the governor who shall sign or veto every bill within five days after its delivery to him if the legislature is in session, or within 25 days if the legislature is adjourned. The governor shall return vetoed bills to the legislature with a statement of his objections.

(3) The governor may return any bill to the legislature with his objections and with a recommendation for an amendment or amendments to it. If the legislature passes the bill in accordance with the governor's recommendation, it shall again return the bill to the governor for his reconsideration. The governor shall not return a bill a second time, for amendment.

(4) Upon receipt of a veto message, the legislature shall reconsider the vetoed bill. A two-thirds vote of the members present overrides the veto, and the bill shall become law.

(5) If the legislature is not in session when the governor vetoes a bill, he shall return the bill with his objections to the legislature in a manner authorized by law. The legislature, as provided in section 11, may reconvene itself to reconsider any bills so vetoed by the governor.

(6) The governor may veto items in appropriation bills, and in such instances the procedure shall be the same as upon veto of an entire bill.

Section 11. SPECIAL SESSION. Whenever the governor considers it in the public interest, he may convene the legislature, either house, or the two houses in joint session. At the written request of two-thirds of the members of each house, the presiding officers of both houses shall convene the legislature in special session.

Section 12. PARDONS. The governor shall have the power to grant reprieves, commutations and pardons after conviction, reinstate citizenship and may suspend and remit fines and forfeitures subject to procedures prescribed by law.

This action by the governor shall be upon the recommendation of a board of pardons. The legislative assembly shall by law prescribe for the appointment and composition of said board of pardons, its powers and duties; and regulate the proceedings thereof.

Section 13. MILITIA. (1) The governor shall be commander-in-chief of the militia forces of the state, except when these forces are in the actual service of the United States, and shall have power to call out any part of the whole of said forces to aid in the execution of the laws, to suppress insurrection or to repel invasion.

(2) The militia forces shall consist of all able-bodied citizens of the state except such persons as are exempted by law.

Section 14. SUCCESSION. (1) If the governor-elect is disqualified, or dies, the lieutenant governor-elect upon qualifying for the office shall become governor for the full term. If the

governor-elect fails to assume office for any other reason, the lieutenant governor-elect upon qualifying as such shall serve as acting governor until the governor-elect qualifies for office, or the office becomes vacant.

(2) The lieutenant governor shall serve as acting governor when requested in writing by the governor to do so. He shall serve as acting governor during the absence from the state of the governor for any period in excess of 45 days.

(3) He shall also serve as acting governor when the governor is disabled and by reason of that disability is unable to communicate to the lieutenant governor the fact of his inability to perform the duties of his office. The lieutenant governor in such event shall continue to serve as acting governor until the governor resumes the duties of his office.

(4) Whenever the lieutenant governor and attorney general transmit to the presiding officer of the legislature their written declaration that the governor is unable to discharge the powers and duties of his office, the legislature shall convene.

(5) If the legislature, within 21 days after convening, determines by two-thirds vote of its members present that the governor is unable to discharge the powers and duties of his office, the lieutenant governor shall enter upon and discharge the same as acting governor; thereafter, when the governor transmits to the presiding officer of the legislature his written declaration that no inability exists, he shall resume the powers and duties of his office within 15 days, unless the legislature determines otherwise by two-thirds vote of its members. If the legislature so determines, the lieutenant governor shall continue to discharge the powers and duties of the office as acting governor.

(6) If the office of governor becomes vacant by reason of death, resignation, or disqualification, the lieutenant governor shall become governor for the remainder of the term.

(7) Additional succession to such vacancies shall be as provided by law.

(8) When there is a vacancy in the office of governor, the successor shall have the title, powers, duties and emoluments of that office and shall be the governor. When the successor serves as acting governor for a temporary period, he shall have only the powers and duties of the office for the period during which he serves as such.

/s/ Betty L. Babcock /s/ Archie O. Wilson

COMMENT ON MINORITY PROPOSAL

The minority proposal is identical to the Majority Proposal except for amendments in sections 1, 2, 3, 4, 5 and 12 designed to give the executive branch of government more responsible to the citizens of the state by providing for the election of the principal executive officers.

Section 1. OFFICERS. (1) The executive department shall consist of a governor, lieutenant governor, secretary of state, attorney general, state treasurer, superintendent of public instruction and state auditor.

(2) Each shall hold his office for a term of four years, commencing on the first Monday of January next succeeding his election and until a successor is elected and qualifies.

(3) Each shall reside at the seat of government, where he shall keep the public records of his office.

(4) Each shall perform such duties as are prescribed in this constitution, and by law.

COMMENTS

The minority of the executive committee favor the election of the major state executive offices because government needs to be responsive and responsible to the people it represents. The people must retain their right to elect their officials. By elimination of their present power to choose the major state offices we do not want to disfranchise the people of Montana of their sacred privilege - their right to exercise the freedom of choice in the elective process. The people deserve the right to choose who shall represent them in government.

Montana by Constitutional amendment and legislative act is reorganizing its governmental processes under what is known as executive reorganization. This is placing all Montana's governmental administration and control directly under the governor and appointed department heads. This program is promoted in the name of efficiency and economy.

Government needs to be more to its constituents than efficient and economical. It needs to be responsive and responsible to the people it represents. Its responsibilities includes not only the matter of protecting the public trust, it includes having the trust of the public.

Public trust does not come from just a matter of confidence in the integrity of public officers, but rather it comes from knowing that public affairs are placed in the public eye. This

can only occur when the activities of government are visible and when there are ways of checking on what our public officials are doing.

The state treasurer and auditor are the major state financial officers. One receives all state money, the other disburses all state funds. One major concern relates regarding reorganization to the financial affairs of the state. This concern should be included in our proposed Constitution in such a way that we give the public the best chance to view critically its public officers and to avoid the open invitation to corruption. This should include a public official, elected and responsible only to the people and who is not subservient to the varying political desires of some chief executive who perhaps will be only concerned with an approving look from the public at his administration.

We know that no governor will have continuous opportunity to observe all the actions of his administrative officers. To place all fiscal affairs in one administrative office, such as a controller's office, not only jeopardizes the chief executive, it is one open invitation to unviewed corruption.

We ask then this convention include separate fiscal officers as elected officers in this proposed Constitution in the offices of state auditor and state treasurer.

The state superintendent of public instruction is the major state educational officer and as such should be elected by the people. The selection of the superintendent should be protected from undue political influence by making her directly responsible to the people.

We are with the majority committee proposal comments on the election of the attorney general. We provide further qualification in our section 3.

> Section 2. ELECTION. (1) The governor, lieutenant governor, secretary of state, attorney general, state treasurer, superintendent of public instruction and state auditor shall be elected by the qualified electors of the state at a general election held and finally determined as provided by law.
>
> (2) Each candidate for governor shall file jointly with a candidate for lieutenant governor in primary elections, or otherwise comply with nomination procedures, so that the offices of governor and lieutenant governor shall be voted upon together in primary and general elections, as provided by law.

COMMENTS

state treasurer, superintendent of public instruction and state auditor to the elected officers provided in the majority report. Our reasons are explained in the following section 1.

Section 4. QUALIFICATIONS. (1) No person shall be eligible to the office of governor, lieutenant governor, attorney general or superintendent of public instruction unless he has attained the age of 30 years at the time of his election, nor to the office of secretary of state, state auditor, or state treasurer, unless he has attained the age of 25 years. In addition to the qualifications above prescribed, each of the officers named shall be a citizen of the United States, and have resided within the state two years next preceding his election.

(2) In addition to the foregoing qualifications, any person to be eligible to the office of attorney general shall be an attorney in good standing admitted to practice law in the state of Montana, and have engaged in the active practice thereof for five years before election.

COMMENTS

This section retains the qualifications in section 3 of the present executive article. The major deletion in section 3 recommended by the majority was removal of the age requirements for all candidates except the attorney general. The minority of the Executive Committee, believe we would be derelict in our duty and inconsistent as well, if we require specific qualifications for the attorney general and remove all such qualifications for the rest of the executive offices.

We realize it is unlikely that the electorate would elect an eighteen year old to these offices, but we feel strongly that the Constitution must guarantee a certain maturity as a qualification for office holders.

We are conscious of the increased intelligence and ability of our young people, but feel confident that the majority, those with mature attitudes, would want us to require such qualifications for their own protection, to insure the dignity of the office and to provide a goal for them to strive for. In comparing Montana's present Constitution with six others we found the states of Alaska, Michigan and New Jersey require a governor to be at least 30 years of age and Hawaii and Puerto Rico 35 years. They also require longer residency requirements. Virtually all state Constitutions require higher age qualifications for state officials than for the right to vote.

Section 4. DUTIES. (1) The executive power of the state is vested in the governor, who shall see that the laws are faithfully executed. He shall have such other duties as are herein provided, and as provided by law.

(2) The lieutenant governor shall perform the duties delegated to him by the governor, and those provided for him by law, but no power specifically vested in the governor by this Constitution may be delegated to the lieutenant governor in this manner.

(3) The secretary of state shall maintain the official records of the acts of the legislative assembly, and of the executive department, as provided by law. He shall keep the great seal of the state of Montana, and perform any other duties provided by law.

(4) The attorney general shall be the legal officer of the state, with the duties and powers provided by law.

(5) The auditor shall be the custodian of all fiscal records of the state. He shall be the issuing officer of all state warrants, with other duties and powers provided by law.

COMMENTS

In addition to the language of section 4 proposed by the majority in subsection (5) we have provided for the duties of the auditor so this office may be strengthened and our citizens may be assured there will always be a completely independent elected auditor, free of political pressure and responsible to the electorate to protect their fiscal affairs.

The creation of a gubernatorially appointed department head as the complete repository of all the state fiscal and audit functions is an over centralization of power and an open invitation to corruption. Montana, even under its present system, has recently experienced two separate embezzlement type situations. One was uncovered by the bank examiner's office, the other by the state auditor's office. Neither were in existence for a particularly long time nor were the losses particularly large, before their discovery. Due to the relatively fast discovery of these transgressions, full restitution was made possible. Therefore, it is very necessary to retain internal control. Obviously any system of control, which vests total control in one person or department, is not a good system of control, in fact it would invite misuse.

Section 6. VACANCY IN OFFICE. (1) If the office of lieutenant governor becomes vacant by his succession to

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[illegible] governor, or by his death, resignation or inability to [illegible] by law, the governor shall appoint a qualified person to hold and serve in that office for the remainder of its term.

(b) If the office of secretary of state, attorney general, auditor, treasurer and superintendent of public instruction becomes vacant by death, resignation or inability to act, as determined by law, the governor shall appoint a qualified person to hold and serve in that office until the next general election, and until his successor is elected and qualified. The person elected to fill such vacancy shall hold the office until the expiration of the term for which the person he succeeds was elected.

COMMENTS

[illegible] have inserted in subsection (2) the additional elected officials and deleted subsection (3) that appears in the majority report.

Section 12. PARDONS. The governor shall have the power to grant reprieves, commutations and pardons after conviction, reinstate citizenship and may suspend and remit fines and forfeitures subject to procedures provided by law. This action by the governor shall be upon the recommendation of a board of pardons. The legislative assembly shall by law prescribe for the appointment and composition of said board of pardons, its powers and duties; and regulate the proceedings thereof.

COMMENTS

We agree with the majority of the executive committee, except that we feel that it is appropriate to establish Constitutionally the board of pardons. The pardon power of the governor is of such importance that it should not be exercised without the prior advice and consultation of a board or lay and professional persons responsible for the state correctional program.

APPENDIX A

CROSS REFERENCES

PROPOSED SECTION	PRESENT ARTICLE & SECTION
1	VII, 1
2	VII, 2
3	VII, 3
4	VII, 5, 15, 17
5	VII, 4
6	VII, 7, 15, 16
7	VII, 21
8	VII, 7
9	VII, 10
10	VII, 12, 13
11	VII, 11
12	VII, 9
13	VII, 6; XIV, 1
14	VII, 14, 15, 16
Not replaced	VII, 8, 18, 19, 20
Not replaced	XIV, 2, 3, 4, 5
Not replaced	II, 1

APPENDIX B

PROPOSALS CONSIDERED BY COMMITTEE

The following delegate proposals were examined and considered by the executive committee during its deliberations:

	Number of Proposal	Chief Sponsor	Subject Matter	Disposition
1.	25	Chet Blaylock	Provides legislature with the opportunity to override post session gubernatorial vetoes by mail	Rejected
2.	39	Jerome Cate	Provide for a wage commission	Rejected
3.	77	Richard Roeder	Executive Article providing for only the governor and lieutenant governor	Adopted in part
4.	107	Harold Arbanas	Executive Article providing for joint election of the governor, lieutenant governor and attorney general	Adopted in part
5.	110	Geoffrey Brazier	Eliminating number of times a person may succeed himself in office	Rejected
6.	136	Robert Kelleher	Parliamentary form of government	Rejected

	Number of Proposal	Chief Sponsor	Subject Matter	Disposition
7.	152	Mike McKeon	Repeal Article XIV of the present constitution	Adopted in part
8.	170	Archie Wilson	Executive Article retaining constitutional officers and boards	Adopted in part

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APPENDIX C

WITNESSES HEARD BY COMMITTEE

Name - Affiliation - Residence - Subject

1. Forrest H. Anderson - Governor, State of Montana - Helena - Executive Article in general.

2. Richard B. Roeder - Delegate - Bozeman - Proposal 77.

3. William Crowley - Law Professor - Missoula - Reorganization.

4. George Bousliman - Deputy Director, Executive Reorganization - Helena - Reorganization.

5. Robert L. Woodahl - Attorney General, State of Montana - Helena - Office of Attorney General.

6. Frank Murray - Secretary of State - Helena - Office of Secretary of State.

7. Gail M. DeWalt - Deputy, Secretary of State - Helena - Office of Secretary of State.

8. Ernest Steel - Chairman, Railroad and Public Service Commission - Helena - Office of Railroad and Public Service Commission.

9. William Johnson - Director, Public Utilities Department of the Railroad and Public Service Commission - Helena - Office of Railroad and Public Service Commission.

10. Louis G. Boedecker - Commissioner, Railroad and Public Service Commission - Helena - Office of Railroad and Public Service Commission.

11. Alfred Langley - Commissioner, Railroad and Public Service Commission - Helena - Office of Railroad and Public Service Commission.

12. William O'Leary - Director, Legal Department, Railroad and Public Service Commission - Helena - Office of Railroad and Public Service Commission.

13. Ted Schwinden - Commissioner of Lands Department - Helena - Office of Lands Department.

14. Maj. Gen. John Womack - Adjutant General, State of Montana - Helena - Military Articles in general.

15. Col. Harry Thode - Staff Administrative Assistant, Montana

National Guard - Helena - Military Articles in general.

16. John Dowdall - State Examiner - Helena - Office of State Examiner.

17. Mrs. Diane Schladweiler - Montana League of Women Voters - Bozeman - League's position on the Executive Article.

18. E. V. "Sonny" Omholt - State Auditor - Helena - Office of State Auditor.

19. Alex Stephenson - State Treasurer - Helena - Office of State Treasurer.

20. Jean Reed - Deputy Legislative Auditor - Helena - Legislative Audits.

21. Morley Cooper - Chairman, State Board of Equalization - Helena - Functions and Duties of State Board.

22. John Alley - Member, State Board of Equalization - Helena - Functions and Duties of State Board.

23. Ray Wayrynen - Member, State Board of Equalization - Helena - Functions and duties of State Board.

24. Keith Colbo - Director, Department of Revenue - Helena - Functions and duties of his office.

25. Ed Nelson - Executive Secretary, University System - Helena - Views on Board of Education.

26. Harriet Meloy - Member, Board of Education - Helena - Views on Board of Education.

27. Tim Babcock - Former Governor, State of Montana - Helena - Executive Article in general.

28. Tom Judge - Lieutenant Governor, State of Montana - Helena - Duties and recommendations pertaining to the office of Lieutenant Governor.

29. Boyle Saxby - Director, Department of Administration - Helena - Functions and duties relating to department of administration.

30. Don Dooley - Legislative Council office - Helena - Duties pertaining to legislative council.

31. John Peterson - Chairman, Board of Pardons - Butte - Recommendations concerning Board of Pardons.

32. Dolores Colburg - Superintendent of Public Instruction - Helena - Recommendations pertaining to her office.

34. [illegible] - Education Committee, House of Representatives - Bowel, Montana - His views and recommendation concerning education.

34. [illegible] - Housewife - Eastern Montana - Her views on education.

35. [illegible] - Montana Federation of Teachers - Butte - Federation of Teachers' stand on education.

36. Chad Smith - Montana School Boards Association - Helena - Association's position regarding education.

37. Geoffrey L. Brazier - Delegate - Helena - Proposal 110.

38. [illegible] G. Crosby, Jr. - Citizens for Constitutional Government - Missoula - Citizens position on the executive article.

39. Donald R. Garrity - Lawyer - Helena - Testifying on parliamentary form of government.

40. Robert L. Kelleher - Delegate - Billings - Proposal 136.

41. Robert Watt - Montana Student Presidents Association - Missoula - Position taken by Association.

42. Miles Romney - Delegate - Hamilton - Proposal 19.

43. Members of the Board of Regents - Their views concerning education.

44. J. D. Cooper - Montana Education Association - Helena - Position taken by MEA concerning education.

45. Sidney T. Smith - Commissioner of the Department of Labor and Industry - Helena - Duties and recommendations concerning department of labor and industry.

46. Harold Arbanas - Delegate - Great Falls - Proposal 107.

47. Betty Babcock - Delegate - Helena - Proposal 170.

48. Archie C. Wilson - Delegate - Hysham - Proposal 170.

49. Jean Anderson - President, Montana League of Women Voters - Billings - League's position on the executive article.

50. Carol Mitchell - Montana Common Cause - Helena - Position taken by Montana Common Cause on executive article.

51. Chet Blaylock - Delegate - Laurel - Proposal 25.

52. Ted James - Former Lieutenant Governor - Great Falls -

recommendations pertaining to office of lieutenant governor.

53. L. A. Von Kustin - Prof-secr, University of Montana - Missoula - Reasons for appointed state superintendent of public instruction.

	Date:2/12 No: Sec. 1	Date:2/12 No: Sec. 2	[illegible] Sec. [illegible]	[illegible] Sec. 4	[illegible] Sec. 5	[illegible] Sec. [illegible]	[illegible]	[illegible]
Thomas F. Joyce, Chr.	Y	Y	Y	Y	Y			
J. C. Garlington, V.C.	Y	Y	Y	Y	Y	Y		
Harold Arbanas	Y	Y	Y	Y	Y	Y	Y	
Betty Babcock	N	N	N	N	Y	N		
James R. Felt	A	A	A	A	A	A	A	
Fred J. Martin	Y	Y	Y	Y	Y	Y	Y	
Richard B. Roeder	Y	Y	Y	Y	Y	Y		
Margaret S. Warden	Y	Y	Y	Y	Y	Y	Y	Y
Archie O. Wilson	N	N	N	N	Y	N	N	Y
Total Yea	6	5	5	6	8	[illegible]	7	[illegible]
Nay	2	3	3	2	0	2	1	0
Absent	1	1	1	1	1	1	1	1

MAJORITY

ROLL CALL VOTE --- EXECUTIVE COMMITTEE

	Date:2/12 No: Sec. 9	Date:2/12 No: Sec. 10	Date:2/12 No: Sec. 11	Date: 2/12 No: Sec. 12	Date: 2/12 No: Sec. 13	Date: 2/12 No: Sec. 14	Date: No:	Date: No:
Thomas F. Joyce, Chr.	Y	Y	Y	Y	Y	Y		
J. C. Garlington, V.C.	Y	Y	Y	Y	Y	Y		
Harold Arbanas	Y	Y	Y	Y	Y	Y		
Betty Babcock	Y	Y	Y	N	Y	Y		
James R. Felt	A	A	A	A	A	A		
Fred J. Martin	Y	Y	Y	Y	Y	Y		
Richard B. Roeder	Y	Y	Y	Y	Y	Y		
Margaret S. Warden	Y	Y	Y	Y	Y	Y		
Archie O. Wilson	Y	Y	Y	N	Y	Y		
Total Yea	8	8	8	6	8	8		
Nay	0	0	0	2	0	0		
Absent	1	1	1	1	1	1		

	Date: 2/12 No: Sec. 1	Date:2/12 No: Sec. 2	Date: 2/12 No: Sec. 3	Date: 2/12 No: Sec. 4	Date: 2/12 No: Sec. 5	Date: 2/12 No: Sec. 6	Date: 2/12 No: Sec. 7	Date: 2/12 No: Sec. 8
Thomas F. Joyce, Chr.	N	Y	Y	N	N			
J. C. Garlington, V.C.	N	N	N	N	N	N	N	N
Harold Arbanas	N	N	N	N	N	N	N	N
Betty Babcock	Y	Y	Y	Y	N	Y	N	N
James R. Felt	A	A	A	A	A	A	A	A
Fred J. Martin	N	N	N	N	N	N	N	N
Richard B. Roeder	N	N	N	N	N	N	N	N
Margaret S. Warden	N	N	N	N	N	N	N	N
Archie O. Wilson	Y	Y	Y	Y	N	Y	Y	N
Total Yea	2	3	3	2	0	2	1	0
Nay	6	5	5	6	8	6	7	8
Absent	1	1	1	1	1	1	1	1

CONSTITUTIONAL CONVENTION

MINORITY

ROLL CALL VOTE --- EXECUTIVE COMMITTEE

	Date:2/12 No: Sec. 9	Date:2/12 No: Sec. 10	Date:2/12 No: Sec. 11	Date: 2/12 No: Sec. 12	Date: 2/12 No: Sec. 13	Date: 2/12 No: Sec. 14	Date: No:	Date: No:
Thomas F. Joyce, Chr.	N	N	N	N	N	N		
J. C. Garlington, V.C.	N	N	N	N	N	N		
Harold Arbanas	N	N	N	N	N	N		
Betty Babcock	N	N	N	Y	N	N		
James R. Felt	A	A	A	A	A	A		
Fred J. Martin	N	N	N	N	N	N		
Richard B. Roeder	N	N	N	N	N	N		
Margaret S. Warden	N	N	N	N	N	N		
Archie O. Wilson	N	N	N	Y	N	N		
Total Yea	0	0	0	2	0	0		
Nay	8	8	8	6	8	8		
Absent	1	1	1	1	1	1		

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

JUDICIARY COMMITTEE PROPOSAL

Date Reported: February 17, 1972

David I. Holland, Chairman

Catherine Pemberton, Vice Chairman

STANDING COMMITTEE REPORT

February 17, 1972

Mr. President:

We, your committee on Judiciary respectfully report as follows:

That the Judiciary Committee Majority Proposal is ready to be considered and submitted to the Committee of the Whole for consideration; and

That the Judiciary Committee Minority Proposal is ready to be considered and submitted to the Committee of the Whole for consideration.

David I. Holland
Chairman

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Date: February 1, 1972

To: Montana Constitutional Convention

From: Judiciary Committee

Majority and Minority:

The committee on Judiciary hereby submits its recommendations contained in this report to the Montana Constitutional Convention.

The majority recommendations deal with the structure and organization of the Supreme Court, District Courts and Justice of Peace Courts.

The majority report, among other things, contains election of terms, terms of judges and qualifications of judges. The report further contains recommendations for the elections of clerks of court and county attorneys.

The minority of the committee has filed a minority report which contains recommendations for selection of judges on a basis different from the majority report. The minority report is in itself a complete judicial article and is entirely distinguishable from the majority report. Although the reports deal with similar subjects, they are entirely separate.

Recommendations contained in this report are of great concern to the people. Resolutions by the Convention will have profound effects upon the administration of justice and the nature and philosophy of our government. We regret that complete consensus was not possible. We do report that all members of the committee worked diligently and the majority and minority reports are a consensus of the opinions of all persons signing them.

While the members of the committee had philosophical differences, particularly about selection of judges, the entire committee, working on a difficult subject, wholeheartedly devoted their time and energy to their respective report.

The committee expresses their thanks to its Research Analyst, Sandra Buckelston, and to its Secretary, Ellen McCarthy, and to its Administrative Interns, Paige Leary and Katherine Sullivan.

Respectfully submitted,

David I. Holland
Chairman

Catherine Pemberton
Vice Chairman

MAJORITY PROPOSAL

BY IT INTRODUCED BY THE JUDICIARY COMMITTEE:

That any proposed new Constitution contain Article VIII of the present Constitution amended to read as follows:

ARTICLE ___

THE JUDICIARY

Section 1. JUDICIAL POWER. The judicial power is vested in a Supreme Court, district courts, justice of the peace courts, and such other courts as the legislative assembly may establish.

Section 2. SUPREME COURT - APPELLATE JURISDICTION. The Supreme Court, except as otherwise provided in this Constitution, shall have appellate jurisdiction only, which shall be coextensive with the state.

Section 3. SUPREME COURT - APPELLATE JURISDICTION - WRITS. The appellate jurisdiction of the supreme court shall extend to all cases at law and in equity, subject, however, to such limitations and regulations as may be prescribed by law. Said court shall have power in its discretion to issue and to hear and determine writs of habeas corpus, mandamus, quo warranto, certiorari, prohibition and injunction, and such other original and remedial writs as may be necessary or proper to the complete exercise of its appellate jurisdiction. Each of the justices of the supreme court shall have power to issue writs of habeas corpus to any part of the state, upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself, or the supreme court, or before any district court of the state, or any judge thereof; and such writs may be heard and determined by the justice or court, or judge, before whom they are made returnable. Each of the justices of the supreme court may also issue and hear and determine writs of certiorari in proceedings for contempt in the district court, and such other writs as he may be authorized by law to issue.

Section 4. SUPREME COURT - TERMS. At least three terms of the supreme court, and such other terms as may be necessary to keep the docket current, shall be held each year at the seat of government.

Section 5. SUPREME COURT - COMPOSITION - DISQUALIFICATIONS. The supreme court shall consist of five justices a majority of whom shall be necessary to form a quorum or pronounce a decision, but one or more of said justices may adjourn the court from day to day, or to a day certain. The legislative assembly shall have

the power to increase the number of justices to seven.

In case a justice or justices of the supreme court shall be in any way disqualified to sit in a cause brought before such court, the remaining justice or justices shall have power to call on one or more of the district judges of this state as in the particular case may be necessary to constitute the full number of justices of which the said court shall then be composed, to sit with them in the hearing of said cause. In all cases where a district judge is invited to sit and does sit as by this section provided, the decision and opinion of such district judge shall have the same force and effect in any cause heard before the court as if regularly participated in by a justice of the supreme court.

Section 6. ELECTION AND TERM OF OFFICE OF SUPREME COURT JUSTICES. The justices of the supreme court shall be elected by the electors of the state at large, and the term of the office of the justices of the supreme court, except as in this Constitution otherwise provided, shall be six years.

Section 7. CLERK OF SUPREME COURT. There shall be a clerk of the supreme court, who shall hold his office for the term of six years. He shall be elected by the electors at large of the state, and his compensation shall be fixed by law, and his duties prescribed by law and by the rules of the supreme courts.

Section 8. JUSTICES OF SUPREME COURT - QUALIFICATIONS. A United States citizen who has been a resident of Montana for two years shall be eligible for the office of justice of the supreme court if admitted to practice law in Montana and experienced with the law in Montana for at least five years immediately prior to filing for or being appointed to the position of justice.

Section 9. DISTRICT COURTS - JURISDICTION. The district courts shall have original jurisdiction in all cases at law and in equity, including all cases which involve the title or right or possession of real property, or the legality of any tax, impost, assessment, toll or municipal fine, and in all cases in which the debt, damage, claim or demand, exclusive of interest and costs, or the value of the property in controversy exceeds $300; and in all criminal cases amounting to felony, and in all cases of misdemeanor not otherwise provided for; of actions of forcible entry and unlawful detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate; of actions of divorce and for annulment of marriage, and for all such special actions and proceedings as are not otherwise provided for. And said courts shall have the power of naturalization, and to issue papers therefor, in all cases where they are authorized so to do by the laws of the United States. They shall have appellate jurisdiction in such cases arising in justices and other inferior courts in their respective districts as may be prescribed by law and consistent with this Constitution. Their process shall extend to all parts of the state, pro-

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vi[illegible] all actions for the recovery of, the possession of, quieting the title to, or for the enforcement of liens upon real property, shall be commenced in the county in which the real property, or any part thereof, affected by such action or actions, is situated. Said courts and the judges thereof shall have power to issue, hear and determine writs of mandamus, quo warranto, certiorari, prohibition, injunction and other original and remedial writs, and also all writs of habeas corpus on petition by, or on behalf of, any person held in actual custody in their respective districts. Injunctions, writs of prohibition and habeas corpus, may be issued and served on legal holidays and non-judicial days.

Section 10. JUDICIAL DISTRICTS. The state shall be divided into judicial districts, in each of which there shall be elected by the electors thereof one or more judges of the district court as provided by law whose term of office shall be four years. The legislative assembly may increase or decrease the number of judges in any judicial district; provided, that there shall be at least one judge in any district established by law; and may divide the state, or any part thereof, into new districts; provided, that each be formed of compact territory and be bounded by county lines, but no change in the number or boundaries of the districts shall work a removal of any judge from office during the term for which he has been elected or appointed. Any judge of the district court may hold court for any other district judge, and shall do so when required by law.

Section 11. WRITS OF ERROR AND APPEAL. Writs of error and appeal shall be allowed from the decisions of district courts to the supreme court under such regulations as may be prescribed by law.

Section 12. DISTRICT JUDGES - QUALIFICATIONS. No person shall be eligible to the office of judge of the district court unless engaged in the active practice of law in the state of Montana for at least five years prior to filing for or being appointed to the office of district judge, and in addition shall be a citizen of the United States and admitted to practice law in the supreme court of the state of Montana. He or she need not be a resident of the district for which elected at the time of election, but after election he or she shall reside in the district for which elected during the term of office.

Section 13. DISTRICT COURTS - BUSINESS DAYS - TERMS. The district court in each county which is a judicial district by itself shall be always open for the transaction of business, except on legal holidays and non-judicial days. In each district where two or more counties are united, until otherwise provided by law, the judges of such district shall fix the terms of court as may be necessary to keep the docket current.

Section 14. CLERKS OF DISTRICT COURTS. There shall be a clerk of the district court in each county, who shall be elected

by the electors of this county. The clerk shall be elected at the same time and for the same term as the district judge. The duties and compensation of the said clerk shall be provided by law except that the clerk in matters relating to procedure and the orderly conduct of the court room and court hearings shall be supervised by the district judge.

Section 15. COUNTY ATTORNEYS. There shall be elected at the general election in each county of the state one county attorney, who prior to taking office shall have been admitted to practice law before the Supreme Court of the state of Montana and must be of legal age at the time of taking office, and whose term of office shall be four years and until a successor is elected and qualified. He or she shall have a salary to be fixed by law, one-half of which shall be paid by the state, and the other half by the county for which elected, and shall perform such duties as may be required by law.

Section 16. JUSTICES OF THE PEACE - ELECTION - QUALIFICATIONS - COMPENSATION - JURISDICTION. There shall be elected in each county at least one justice of the peace with qualifications, training, and monthly compensation as provided by law, who shall hold office for the term of four years. There shall be provided facilities for such justices so that their duties may be performed in dignified surroundings. Justice courts shall have such original jurisdiction within their respective counties as may be prescribed by law. They shall not have trial jurisdiction in any criminal case designated a felony, except as examining courts. The legislature may provide for additional justices of the peace in each county or other types of courts below the district court level as is deemed necessary.

Section 17. APPEALS FROM JUSTICE COURTS. Justice courts shall always be open for transaction of business, except on legal holidays and non-judicial days. Appeal shall be allowed from justice courts, in all cases, to the district courts, in such manner under such regulations as may be prescribed by law.

Section 18. POLICE AND MUNICIPAL COURTS. The legislative assembly shall have power to provide for creating such police and municipal courts and magistrates for cities and towns as may be deemed necessary from time to time, who shall have jurisdiction in all cases arising under the ordinances of such cities and towns, respectively; such police magistrates may also be constituted ex-officio justices of the peace or magistrates for their respective counties.

Section 19. REMOVAL AND DISCIPLINE OF JUDGES. A Judicial Standards Commission is hereby created to consist of five persons, three of whom shall be judges. The three judges shall be selected by the justices and judges of the supreme court and district courts. Not more than one of the said three judges may be a member of the supreme court. The remaining two persons shall be citizens of the state of Montana, selected and appointed by the

justice, judge or magistrate of any court may be disciplined or removed for willful misconduct in office or willful and persistent failure to perform his duties or habitual intemperance, or he may be retired for disability seriously interfering with the performance of his duties which is, or likely to become, of a permanent character. The commission may, after investigation it deems necessary, order a hearing to be held before it concerning the discipline, removal or retirement of a justice, judge or magistrate, or the commission may appoint three masters who are justices or judges of courts of record to hear and take evidence in the matter and to report their findings to the commission. After hearing or after considering the record and the findings and report of the masters, if the commission finds good cause, it shall recommend to the supreme court the discipline, removal or retirement of the justice, judge or magistrate.

The supreme court shall review the record of the proceedings on the law and facts and may permit the introduction of additional evidence, and it shall order the discipline, removal or retirement as it finds just and proper or wholly reject the recommendation. Upon an order for his retirement, any justice, judge or magistrate participating in a statutory retirement program shall be retired with the same rights as if he had retired pursuant to the retirement program. Upon an order for removal, the justice, judge or magistrate shall thereby be removed from office, and his salary shall cease from the date of the order.

The Judicial Standards Commission shall make rules implementing this section and providing for confidentiality of proceedings.

Section 20. COURTS OF RECORD. The supreme and district courts shall be courts of record.

Section 21. LAWS RELATING TO COURTS - UNIFORM. All laws relating to the courts shall be general and of uniform operation throughout the state; and the organization, jurisdiction, powers, proceedings and practice of all courts of the same class or

grade, so far as regulated by law, shall be uniform.

Section 22. STYLE OF PROCESS. The style of process shall be "The State of Montana" and all prosecutions shall be conducted by the name and the authority of the state.

Section 23. FORM OF ACTION. There shall be but one form of civil action, and law and equity may be administered in the same action.

Section 24. JUDICIAL COMPENSATION. The justices of the supreme court and the judges of the district court shall be paid monthly by the state, a salary, which shall not be diminished during the terms which they shall have been respectively elected. The salaries of justices of the peace shall be paid monthly by the counties or the state as may be prescribed by law. All salaries paid to justices and to judges shall be in an amount sufficient to attract capable and experienced lawyers to the judicial service.

Section 25. PROHIBITION OF OUTSIDE INCOME. No justice of the supreme court nor judge of the district court nor magistrate or justice of peace paid a monthly salary shall accept or receive any compensation, fee, perquisite or emolument for or on account of his office, in any form whatever, except salary and actual necessary travel expense as provided by law.

Section 26. LAW PRACTICE PROHIBITED. No justice or clerk of the supreme court, nor judge or clerk of any district court shall act or practice as an attorney or counsellor at law in any court of this state during his continuance in office. Magistrates or justices of the peace shall not practice law in justice of the peace or magistrate courts.

Section 27. SUPREME COURT OPINIONS. All opinions of the supreme court shall be in writing and subscribed thereto by the concurring justices and the dissenting justices and such opinions and decisions shall be published in official reports of the supreme court. The legislative assembly may provide for the publication of decisions and opinions of the supreme court.

Section 28. RESIDENCE OF JUDICIAL OFFICERS. All officers provided for in this Article, except justices of the supreme court, who shall reside within the state, shall respectively reside during their term of office in the district, county, township, precinct, city or town in which they may be elected or appointed.

Section 29. VACANCIES; NON-SUCCESSION OF APPOINTEE. Vacancies in the office of justice of the supreme court, or judge of the district court, or other appellate court, or clerk of the supreme court, shall be filled by appointment, by the governor of the state, and vacancies in the offices of county attorney, clerk of the district court, and other judicial offices, shall be

filled by appointment, by the board of county commissioners of the county where the vacancy occurs. A person appointed to fill any such vacancy shall hold his office until the next general election and until his successor is elected and qualified. A person elected to fill a vacancy shall hold office until the expiration of the term for which the person he succeeds was elected.

All judicial officers hereafter appointed by the governor as provided in this section is eligible to be a candidate for judicial office for a period of one year after his successor has been elected.

Section 11. INELIGIBILITY FOR PUBLIC OFFICE. No justice of the supreme court or district judge shall hold any other public office, except that he may be a member of the Judicial Standards Commission, while he remains in the office to which he has been elected or appointed.

Section 12. JUDGE PRO TEMPORE. Civil actions in the district court may be tried by a judge pro tempore, who must be a member of the bar of the state, agreed upon in writing by the parties litigant, or their attorneys of record, approved by the court, and sworn to try the causes; and in such cases any order, judgment or decree, made or rendered therein by such judge pro tempore, shall have the same force and effect as if made or rendered by the court with the regular judge presiding.

Section 13. FORFEITURE OF JUDICIAL OFFICE. Any judicial officer who shall absent himself from the state for more than sixty consecutive days shall be deemed to have forfeited his office.

David L. Holland
Chairman

Cedor B. Aronow

Leslie "Joe" Eskildsen

Rod Hanson

John M. Schiltz

COMMENTS ON MAJORITY PROPOSALS

Section 1. JUDICIAL POWER. The judicial power is vested in a supreme court, district courts, justice of the peace courts, and such other courts as the legislative assembly may establish.

COMMENTS

(1) The proposed revision eliminates the vesting of judicial power in the senate sitting as a court of impeachment. section 16, Article V of the 1889 Constitution adequately covers this field. It is contemplated that any new legislative article will retain the impeachment provision.

(2) Vesting of judicial power in justices of the peace courts, rather than in "justices of the peace" as in the 1889 Constitution, was done for parallel terminology.

(3) The 1889 Constitution provided for vesting judicial power in "such other inferior courts as the legislative assembly may establish". This revision vests the power in "such other courts" in anticipation of a need in the future for intermediate appellate courts. This language permits that to be done.

Section 2. SUPREME COURT - APPELLATE JURISDICTION. The supreme court, except as otherwise provided in this Constitution, shall have appellate jurisdiction only, which shall be coextensive with the state.

COMMENTS

The revision deletes the supreme court's power of supervisory control over inferior courts. As written in the 1889 Constitution, the power was given to the supreme court under such regulations and limitations as may be prescribed by law. Although the legislature has never provided regulations, the supreme court in 1900 assumed the power to act supervisory - going so far as to invent a writ of supervisory control, unique in the United States. The use of the writ has grown to the point where it is used when other specifically authorized writs, or appeals, would serve as well. The provision was deleted as (1) unnecessary and (2) to avoid an unseemly avoidance of the express provisions of the 1889 Constitution.

Section 3. SUPREME COURT - APPELLATE JURISDICTION - WRITS. The appellate jurisdiction of the supreme court shall extend to all cases at law and in equity, subject, however, to such limitations and regulations as may be prescribed by law. Said court shall have power in its discretion to issue and to hear and determine writs of habeas corpus, mandamus, quo-warranto, certiorari, prohibition and injunction, and such other orig-

[illegible] writs as may be necessary or proper [illegible] exercise of its appellate jurisdiction. [illegible] the justices of the supreme court shall have power to issue writs of habeas corpus to any part of [illegible], upon petition by or on behalf of any person [illegible] in actual custody, and may make such writs returnable [illegible], to the supreme court, or before [illegible] district court of the state, or any judge thereof; [illegible] such writs may be heard and determined by the justice issuing [illegible], or judge, before whom they are made returnable. Each of the justices of the supreme court [illegible] hear and determine writs of certiorari [illegible] proceedings for contempt in the district court, [illegible] such other writs as may be authorized by law to [illegible].

COMMENTS

[illegible] is identical with the 1889 Constitution except we have eliminated the provision for a jury in the supreme court as it now has [illegible] is likely in the future to be used.

[illegible] provision defines the jurisdiction of the supreme court [illegible] interpreted over the years so there is now no uncertainty as to meaning.

Section 4. SUPREME COURT - TERMS. At least three terms of the supreme court, and such other terms as may be necessary to keep the docket current, shall be held each year at the seat of government.

COMMENTS

Section 4 was formerly Article VIII, section 4 of the 1889 Constitution. To the language of the 1889 Constitution was added the phrase "to keep the docket current". By adding this phrase, the supreme court is allowed to set as many terms as necessary to keep its dockets current.

Section 5. SUPREME COURT - COMPOSITION - DISQUALIFICATION. The supreme court shall consist of five justices, a majority of whom shall be necessary to form a quorum or pronounce a decision, but one or more of said justices may adjourn the court from day to day, or to a day certain. The legislative assembly shall have the power to increase the number of justices to seven.

In case a justice or justices of the supreme court shall be in any way disqualified to sit in a cause or causes before such court, the remaining justice or justices shall have power to call on one or more of the district judges of this state as in the particular case may be necessary to constitute the full number of justices of which the said court shall then be composed,

to sit with them in the hearing of said cause. In all cases where a district judge is invited to sit and does sit as by this section provided, the decision and opinion of such district judge shall have the same force and effect in any cause heard before the court as if regularly participated in by a justice of the supreme court.

COMMENTS

The legislature is given the power to increase the number of justices on the supreme court from the present five to seven if the need arises. If the work load of the supreme court should increase, then the legislature may increase the number of justices by two without amending the Constitution.

Section 6. ELECTION AND TERM OF OFFICE OF SUPREME COURT JUSTICES. The justices of the supreme court shall be elected by the electors of the state at large, and the term of the office of the justices of the supreme court, except as in this Constitution otherwise provided, shall be six years.

COMMENTS

Section 6 is a combination of Article VIII, sections 6 and 7 of the 1889 Constitution.

Section 7. CLERK OF SUPREME COURT. There shall be a clerk of the supreme court, who shall hold his office for the term of six years. He shall be elected by the electors at large of the state, and his compensation shall be fixed by law, and his duties prescribed by law and by the rules of the supreme court.

COMMENTS

This section is the adoption of Article VIII, section 9 of the 1889 Constitution, deleting from the former section 9 the archaic language.

Section 8. JUSTICES OF SUPREME COURT - QUALIFICATIONS. A United States citizen who has been a resident of Montana for two years shall be eligible for the office of justice of the supreme court if admitted to practice law in Montana and experienced with the law in Montana for at least five years immediately prior to filing for or being appointed to the position of justice.

COMMENTS

Article VIII, section 10 of the 1889 Constitution requires that for a person to be eligible for office of the supreme court

be a(n): (1) an attorney to practice law in the supreme court of Montana; (2) be at least thirty years of age; (3) be a citizen of the United States; (4) be a resident of Montana at least two years preceding his election.

The opinion of those signing the majority report is that the experience is more important than age; thus, the age requirement of section 11, article VII of the present Constitution has been struck out and an individual's experience with law in Montana has been substituted.

The thought was held by framers of those signing the majority report that five years practice before the courts of Montana is a reasonable requirement. It was decided that this would be a good representative of those working with the law in a legal capacity for the government, as a law teacher, or in any way using their legal experience by working on legal matters. It was decided that as long as there was five years of experience in the field of law this was sufficient requirement. The intention was to make the law experience entirely related to legal work.

Section 4. DISTRICT COURTS - JURISDICTION. The district courts shall have original jurisdiction in all cases at law and in equity, including all cases which involve the title or right of possession of real property, or the legality of any tax, impost, assessment, toll or municipal fine, and in all cases in which the matter, damage, claim or demand, exclusive of interest and costs, or the value of the property in controversy exceeds three hundred dollars; and in all criminal cases amounting to felony, and in all cases of misdemeanor not otherwise provided for; of actions of forcible entry and unlawful detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate; of actions of divorce and for annulment of marriage, and for all such special actions and proceedings as are not otherwise provided for. Said courts shall have the power of naturalization, and to issue papers therefor, in all cases where they are authorized so to do by the laws of the United States. They shall have appellate jurisdiction in such cases arising in justices and other inferior courts in their respective districts as may be prescribed by law and consistent with this Constitution. Their process shall extend to all parts of the state, provided that all actions for the recovery of, the possession of, quieting the title to, or for the enforcement of liens upon real property, shall be commenced in the county in which the real property, or any part thereof, affected by such action or actions, is situated. Said courts and the judges thereof shall have power also to issue, hear and determine writs of mandamus, quo warranto, certiorari, prohibition, injunction and other original and remedial writs, and also

all writs of habeas corpus on petition by, or on behalf of, any person held in actual custody in their respective districts. Injunctions, writs of prohibition and habeas corpus, may be issued and served on legal holidays and non-judicial days.

COMMENTS

Section 9 is a re-enactment of Article VIII, section 11 of the 1889 Constitution, changing only the minimum amount for jurisdiction from $50.00 to $300.00 and adding language of "exclusive of interest and costs". Some consideration was given by the committee to adopting simplified language to define jurisdiction of the district court by using the term "justiciable matters". Upon due consideration the committee decided that the term was not precise enough to fit the situation.

In all of the delegate proposals, citizens' suggestions and testimony heard by the committee concerning a new judicial article, no person made any complaint about jurisdiction of the district courts as set forth above even though the section is not brief and concise. In view of the fact that it has existed in the Constitution for 83 years without causing difficulty and seems to have been fully defined by the courts, the majority decided to keep the language intact.

Section 10. JUDICIAL DISTRICTS. The state shall be divided into judicial districts, in each of which there shall be elected by the electors thereof one or more judges of the district court as provided by law whose term of office shall be four years. The legislative assembly may increase or decrease the number of judges in any judicial district; provided, that there shall be at least one judge in any district established by law; and may divide the state, or any part thereof, into new districts; provided, that each be formed of compact territory and be bounded by county lines, but no change in the number or boundaries of the districts shall work a removal of any judge from office during the term for which he has been elected or appointed. Any judge of the district court may hold court for any other district judge, and shall do so when required by law.

COMMENTS

Section 10 combines three sections from the 1889 Constitution, to-wit: Article VIII, sections 12, 13 and 14. The majority finds no necessity to change the existing judicial districts by amending the Constitution. Under the 1889 Constitution, Article VIII, section 14, the legislative assembly was granted the power to change the boundaries of districts and increase or decrease the number of judges. This power will again be given to the legislature.

Section 11. WRITS OF ERROR AND APPEAL. Writs of error and appeal shall be allowed from the decisions of district courts to the supreme court under such regulations as may be prescribed by law.

COMMENTS

Section 11 is identical to Article VIII, section 15 of the 1889 Constitution. All members signing the majority report felt no change was necessary.

Section 12. DISTRICT JUDGES - QUALIFICATIONS. No person shall be eligible to the office of judge of the district court unless he shall be in the active practice of law in the state of Montana for at least five years prior to filing for or being appointed to the office of district judge, and in addition shall be a citizen of the United States and admitted to practice law in the supreme court of the state of Montana. He or she need not be a resident of the district for which elected at the time of his election, but after election he or she shall reside in the district for which elected during his term of office.

COMMENTS

Section 12 changes Article VIII, section 16 of the 1889 Constitution. The 1889 Constitution provides that in order for a person to be eligible for office of judge of district court, he shall be (1) at least twenty-five; (2) citizen of the United States; (3) admitted to practice law in the supreme court of Montana; (4) residing in the state of Montana at least one year.

After due consideration the majority of the committee felt that some of the foregoing requirements were valid but others should be changed. Thereupon the majority changed the requirements to (1) a citizen of the United States; (2) admitted to practice law in the supreme court of Montana; (3) must be engaged in active practice of law in Montana for five years prior to filing for or being appointed to the office of district judge. The requirement of experience was determined more valid than the requirement of age, the committee feeling that five years experience would give the necessary qualifications rather than a simple age requirement. The experience requirement for the district judge in this section is materially different from the requirements for supreme court judges in section 8. The committee felt that law teachers and others working with the law for five years was a sufficient requirement for a supreme court judge, because the nature of the court is appellate rather than trial. A different type of experience and background is required for district judges who must function at the trial level.

The trial judge, in the opinion of the committee, needs trial experience which can only be gained in active practice of

law and thus the requirement in section 12 is five years in the active practice of law.

Section 13. DISTRICT COURTS - BUSINESS DAYS - TERMS. The district court in each county which is a judicial district by itself shall be always open for the transaction of business, except on legal holidays and non-judicial days. In each district where two or more counties are united, until otherwise provided by law, the judges of such district shall fix the terms of court as may be necessary to keep the docket current.

COMMENTS

Section 13 is identical with Article VIII, section 17 of the 1889 Constitution except that the following language of section 17 is deleted from section 13: "provided that there shall be at least four terms a year held in each county"; the following language is added: "as may be necessary to keep the docket current". The majority of the committee felt that the number of terms of court should be adjusted in accordance with the volume of the case load of the court; so, rather than arbitrarily setting number of terms of court a year, this section directs a number of terms of court sufficient to keep the docket current.

Section 14. CLERKS OF DISTRICT COURTS. There shall be a clerk of the district court in each county, who shall be elected by the electors of this county. The clerk shall be elected at the same time and for the same term as the district judge. The duties and compensation of the said clerk shall be provided by law except that the clerk in matters relating to procedure and the orderly conduct of the court room and court hearings shall be supervised by the district judge.

COMMENTS

Section 14 is identical with Article VIII, section 18 of the 1889 Constitution except the following language has been added: "except that the clerk in matters relating to procedure and the orderly conduct of the court room and court hearings shall be supervised by the district judge". Based upon the hearings, it was felt that there might be some conflict between the clerk of court and the district judge over the authority of district judges to require orderly conduct of the court room and court hearings. The committee felt that it was mandatory that the district judge have full control of these matters so this language was added to section 14 to clarify that the district judge has full charge of the orderly conduct of the court room and court hearings.

Section 15. COUNTY ATTORNEYS. There shall be elected at the general election in each county of the state one county attorney, who prior to taking office shall have

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[illegible] justice law [illegible] the supreme court [illegible] and must be of legal age at the [illegible] taking office, and whose term of office shall [illegible] until a successor is elected and [illegible]. He or she shall have a salary to be fixed by law, [illegible] which shall be paid by the state, and [illegible] by the county for which elected, and shall perform such duties as may be required by law.

COMMENT

[illegible] is intended as a substitute for Article VIII, [illegible] the 1889 Constitution. The only difference between the two sections is that the age requirement of section 19 has been eliminated, the majority of the committee feeling that this age requirement is unnecessary.

Section 19. JUSTICES OF THE PEACE - ELECTION - QUALIFICATIONS - COMPENSATION - JURISDICTION. There shall be elected in each county at least one justice of the peace with qualifications, training, and monthly compensation as provided by law, who shall hold office for a term of four years. There shall be provided facilities for such justices so that their duties may be performed in dignified surroundings. Justice courts shall have such original jurisdiction within their respective counties as may be prescribed by law. They shall not have trial jurisdiction in any criminal case designated a felony, except as examining courts. The legislature may provide for additional justices of the peace in each county or other types of courts below the district court level as is deemed necessary.

COMMENTS

Sections 18 and 17 of the majority report are given in full replacement by Article VIII, sections 20, 21, 22 and 23.

Section 19 requires that there be one justice of the peace in each county rather than two justices of peace in each township. Under the present section 27 and interpretation of it, there must be two townships in each county and two justices of the peace to each township. Thus, a county, no matter how large or small, must have a minimum of four justices of the peace under Article VIII, section 23 of the 1889 Constitution.

Instead of a minimum of four justices of the peace to each county, the majority proposal provides for a minimum of one for each county. The majority committee believes that in some counties one justice of the peace will be sufficient. However, if circumstances demand, the legislature may provide for additional justices of the peace. The qualifications, training and monthly compensation of justices of the peace are left to the legislature as is the jurisdiction of justice courts. The committee believes

that this provision is sufficiently elastic to allow the legislature to create small claims courts.

The majority of witnesses appearing before the committee mentioned the inconsistency which existed under the 1889 Constitution regarding justices of the peace courts. This evil is that law enforcement officers have real ability, based on one of the justice of the peace courts to the exclusion of the other in the county because the law enforcement officers evidently believe that they have a better chance of conviction under one certain justice of the peace. Shopping for a forum to secure conviction cannot be tolerated under the law and thus each justice of the peace court should have exclusive jurisdiction within a territory within a county. The committee leaves it to the legislature to accomplish this aim.

Section 17. APPEALS FROM JUSTICE COURTS. Justice courts shall always be open for transaction of business, except on legal holidays and non-judicial days. Appeal shall be allowed from justice courts, in all cases, to the district courts, in such manner under such regulations as may be prescribed by law.

COMMENTS

Section 17 covers the same area as Article VIII, sections 22 and 23 of the 1889 Constitution and is merely identical in this respect.

Section 18. POLICE AND MUNICIPAL COURTS. The legislative assembly shall have power to provide for creating such police and municipal courts and magistrates for cities and towns as may be deemed necessary from time to time, who shall have jurisdiction in all cases arising under the ordinances of such cities and towns, respectively; such police magistrates may also be constituted ex-officio justices of the peace or magistrates for their respective counties.

COMMENTS

This is identical with Article VIII, section 24 of the 1889 Constitution inasmuch as it permits the legislature to allow cities and towns to have police judges. Perhaps this is not needed if some other modern form of municipal government is established by this Convention but we do not know at this time if that is going to be done.

Section 19. REMOVAL AND DISCIPLINE OF JUDGES. A Judicial Standards Commission is hereby created to consist of five persons, three of whom shall be judges. The three judges shall be selected by the justices and judges of the supreme court and district courts. Not more than one of the said three judges may be a member

of the district court. The remaining two persons shall be citizens of the state of Montana, selected and appointed as the governor. Neither of said two persons shall be a justice, judge or magistrate of any court or otherwise engaged in practice law in this state, nor shall they hold any office of the executive, judicial or legislative department of the state of Montana. The original appointees shall be appointed for terms of one, three and five years respectively and the original substitute commissioners shall serve for two and four years respectively. Thereafter each commissioner shall serve for a term of five years. If a position in the Commission becomes vacant for any reason, the successor shall be selected by the original appointing authority in the same manner as the original appointment was made and shall serve for the remainder of the term vacated. No act of the commission is valid unless concurred in by a majority of its members. The commission shall select one of its members to serve as chairman.

In accordance with this section, any justice, judge or magistrate of any court may be disciplined or removed for willful misconduct in office or willful and persistent failure to perform his duties or habitual intemperance, or he may be retired for disability seriously interfering with the performance of his duties which is, or likely to become, of a permanent character. The commission may, after investigation it deems necessary, order a hearing to be held before it concerning the discipline, removal or retirement of a justice, judge or magistrate, or the Commission may appoint three masters who are justices or judges of courts of record to hear and take evidence in the matter and to report their findings to the Commission. After hearing or after considering the record and the findings and report of the masters, if the Commission finds good cause, it shall recommend to the supreme court the discipline, removal or retirement of the justice, judge or magistrate.

The supreme court shall review the record of the proceedings on the law and facts and may permit the introduction of additional evidence, and it shall order the discipline, removal or retirement as it finds just and proper or wholly reject the recommendation. Upon an order for his retirement, any justice, judge or magistrate shall thereby be removed from office, and his salary shall cease from the date of the order.

The Judicial Standards Commission shall make rules implementing this section and providing for confidentiality of proceedings.

COMMENTS

Section 19 is entirely new section. It is modified with some modification from the New Mexico Constitutional provision adopted by the people of that state in 1967. We have modified the composition of the Judicial Standards Commission to conform, in our opinion, to the needs of Montana. The balance of the article is drafted from the provisions of the New Mexico Constitution. We have examined the Alaska, Puerto Rico, Hawaii, California, Colorado, Idaho, Virginia, and Kansas Constitutions as well as New Mexico, and have determined that the New Mexico provision is more in keeping with the needs of Montana than those provisions appearing in other constitutions. It is the purpose of this section to provide for the situation, short of impeachment, where a judge because of age or other disability or bad habits becomes derelict in the performance of his duties. Under this provision his retirement or censure or removal from office can be accomplished without an undue amount of bad publicity to the judicial system or embarrassment to anyone concerned. In the event removal becomes necessary then the commission makes its recommendation to the supreme court who will look into the matter and may order a hearing in the matter, and then make such disposition of the case as may be proper.

Section 20. COURTS OF RECORD. The supreme and district courts shall be courts of record.

COMMENTS

Section 20 is identical with Article VIII, section 25 of the 1889 Constitution and the majority committee feels no necessity for change in this section.

Section 21. LAWS RELATING TO COURTS - UNIFORM. All laws relating to the courts shall be general and of uniform operation throughout the state; and the organization, jurisdiction, powers, proceedings and practice of all courts of the same class or grade, so far as regulated by law, shall be uniform.

COMMENTS

Section 21 is identical with Article VIII, section 26 of the 1889 Constitution and the majority committee feels no necessity for change in this section.

Section 22. STYLE OF PROCESS. The style of all process shall be "The State of Montana" and all prosecutions shall be conducted by the name and the authority of the same.

COMMENTS

Section 22 is identical with Article VIII, section 27 of the 1889 Constitution and the majority committee feels no necessity

for clerks in the district.

Section 27. RULE OF ACTION. There shall be but one form of civil action, and law and equity may be administered in the same action.

COMMENTS

Section 28 is identical with Article VIII, section 26 of the 1889 Constitution and the majority committee feels no necessity for change in this section.

Section 29. JUDICIAL COMPENSATION. The justices of the supreme court and the judges of the district court shall be paid monthly by the state, a salary, which shall not be diminished during the terms which they shall have been respectively elected. The salaries of justices of the peace shall be paid monthly by the counties or the state as may be prescribed by law. All salaries paid to justices and to judges shall be in an amount sufficient to attract capable and experienced lawyers to the judicial service.

COMMENTS

This section is identical to Article VIII, section 29 of the 1889 Constitution with the exception that the justices of the supreme court and the judges of the district court are paid monthly rather than quarterly. This conforms to the established practice now existing which is in fact in disregard of the provisions of the 1889 Constitution. An additional sentence has been inserted to provide that the salaries of the justices of the supreme court and judges of the district court will be in an amount sufficient to attract capable and experienced lawyers to the judicial service.

Section 25. PROHIBITION OF OUTSIDE INCOME. No justice of the supreme court nor judge of the district court nor magistrate or justice of peace paid a monthly salary shall accept or receive any compensation, fee, perquisite or emolument for or on account of his office, in any form whatever, except salary and actual necessary travel expense as provided by law.

COMMENTS

Section 25 is a modification of Article VIII, section 30 of the 1889 Constitution, in that it allows actual necessary travel expense as provided by law whereas this was prevented under section 30.

Section 26. LAW PRACTICE PROHIBITED. No justice or clerk of the supreme court, nor judge or clerk of any district court shall act or practice as an attorney or

counsellor at law in any court of this state during his continuance in office. Magistrates or justices of the peace shall not practice law in justice of the peace or magistrate courts.

COMMENTS

Section 26 is identical with Article VIII, section 31 except the following sentence was added: "Magistrates or justices of the peace shall not practice law in justice of the peace or magistrate courts".

The upgrading of justice of peace courts is contemplated by section 2. of the majority report. The committee believes that the legislature can allow a justice of peace or magistrate to practice law in other courts of the state of Montana while holding office of justice of peace or magistrate, but they cannot allow a justice of peace or magistrate to practice law in justice of peace or magistrate courts. The majority committee feels that by allowing lawyers to hold a position as justice of peace and at the same time to practice in other courts would allow practicing lawyers to supplement income as a justice of peace by practicing in other courts.

Section 27. SUPREME COURT OPINIONS. All opinions of the supreme court shall be in writing and subscribed thereto by the concurring justices and the dissenting justices and such opinions and decisions shall be published in official reports of the supreme court. The legislative assembly may provide for the publication of decisions and opinions of the supreme court.

COMMENTS

The last sentence of section 27 is identical with Article VIII, section 32 of the 1889 Constitution, except that a further requirement is made that all opinions of the supreme court shall be in writing and subscribed thereto by the dissenting justices. That portion which has been added is for the most part being done in practice, the majority of the committee feeling that this practice shall be made a requirement of the court.

Section 28. RESIDENCE OF JUDICIAL OFFICERS. All officers provided for in this Article, except justices of the supreme court, who shall reside within the state, shall respectively reside during their term of office in the district, county, township, precinct, city or town in which they may be elected or appointed.

COMMENTS

Section 28 is identical to Article VIII, section 33 of the 1889 Constitution. The majority of the committee feels that section 33 shall be adopted as section 29 without change.

[illegible]. VACANCIES; SUCCESSION OF APPOINTEES. [illegible] office of justice of the supreme court, [illegible] judge of the district court, or other appellate court, or [illegible] supreme court, shall be filled by appointment, by the governor of the state, [illegible] of the district attorney, clerk of the district court, and other judicial offices, shall be filled by appointment, by the board of county commissioners of the county where such vacancy occurs. A person appointed to fill any such vacancy shall hold [illegible] until the next general election and until [illegible] is elected and qualified. A person [illegible] to fill a vacancy shall hold office until the expiration of the term for which the person he succeeds was elected.

[illegible] judicial officer hereafter appointed by the governor as provided in this section is eligible to be a candidate for judicial office for a period of one year after the successor has been elected.

COMMENTS

The first paragraph of this section is identical to Article VIII, section 34 of the 1889 Constitution. The second paragraph is a new provision. The purpose of this new provision is to eliminate the advantage of the "created" incumbent in a judicial election contest. The majority of the committee recognizes that there is a growing tendency for judges to retire during their terms so that the governor appoints a judge to serve until the next general election when the appointee then runs for the office as the incumbent. This appears to be an undue advantage in a system which provides for election of judges.

Section 11. INELIGIBILITY FOR PUBLIC OFFICE. No justice of the supreme court or district judge shall hold any other public office, except that he may be a member of the Judicial Standards Commission, while he remains in the office to which he has been elected or appointed.

COMMENTS

Section 10 is identical with Article VIII, section 35 of the 1889 Constitution except that the following language is added: "except that he may be a member of the Judicial Standards Commission". The 1889 Constitution does not have the requirement for a Judicial Standards Commission and under section 20 of the majority report, a Judicial Standards Commission is now part of the proposed judicial article. Three justices are required to sit on the Judicial Standards Commission and thus the foregoing membership on the commission is excepted to make clear that there will be no violation by a justice or judge being a member of the Judi-

cial Standards Commission.

Section 31. JUDGE PRO TEMPORE. Civil actions in the district court may be tried by a judge pro tempore, who must be a member of the bar of the state, agreed upon in writing by the parties litigant, or their attorneys of record, approved by the court, and sworn to try the cause; and in such case any order, judgment or decree, made or entered therein by such judge pro tempore, shall have the same force and effect as if made or rendered by the court with the regular judge presiding.

COMMENTS

Section 31 of the majority report is identical with Article VIII, section 36 of the 1889 Constitution, except in section 36 a civil action is changed to civil actions. This is self-explanatory.

Section 32. FORFEITURE OF JUDICIAL OFFICE. Any judicial officer who shall absent himself from the state for more than sixty consecutive days shall be deemed to have forfeited his office.

COMMENTS

Section 32 is identical with Article VIII, section 37 of the 1889 Constitution.

JUDICIAL CANDIDATE SPECIAL ELECTION CAMPAIGN EXPENSES

REPORT OF THE JUDICIARY COMMITTEE:

We, your committee on the new judicial article to read as follows:

"Section ___. CAMPAIGN EXPENSES. The legislative assembly shall appropriate funds for the contested general election campaign expenses of candidates for the offices of justices of the supreme court and district court judges and shall enact laws regulating the amount, expenditure and disposition thereof. No candidate for justice of the supreme court or district court judge, nor any person or persons on his or her behalf, shall expend money in a campaign for the office in excess of the amount appropriated and authorized by the legislative assembly.

David I. Pollard
Chairman

Catherine Lambertson
Vice Chairman
(original unsigned)

Carol B. Arnow

Jean M. Bowman
(original unsigned)

Lod Cross

J. Mason Melvin

John M. Schiltz

Leslie "Joe" Eskildsen

Ben E. Berg, Jr.
(original unsigned)

COMMENTS ON SEPARATE MAJORITY PROPOSAL ON CAMPAIGN EXPENSES

Section ___. CAMPAIGN EXPENSES. The legislative assembly shall appropriate funds for the contested general election campaign expenses of candidates for the offices of justices of the supreme court and district court judges and shall enact laws regulating the amount, expenditure and disposition thereof. No candidate for justice of the supreme court or district court judge, nor any person or persons on his or her behalf, shall expend money in a campaign for the office in excess of the amount appropriated and authorized by the legislative assembly.

COMMENTS

Both the minority and majority proposals of the committee contemplate an election of judges, presumably in a non-partisan contest. In either case there will be the same problems we have always had: (1) the necessity that the judge demean himself and his position by seeking campaign funds; (2) the fact that the wrong people can make contributions; (3) the fact that lawyers are the biggest contributors and solicitors of campaign funds to the detriment of themselves than the candidate; (4) the fact that the candidate with the most money to spend is the more likely to win regardless of merit; and (5) the fact that the appearance of justice suffers in the process.

The committee majority proposes this special section as a means of curing the defects in election of judges and believes that the expense is warranted in view of the benefits to be obtained.

ARTICLE

JUDICIARY

Section . JUDICIAL POWER. The judicial power of the state is vested in a supreme court, district courts and such other courts as may be provided by law.

Section . ORIGINAL JURISDICTION. The supreme court shall have original jurisdiction and general supervisory and appellate control over all courts.

The supreme court may make rules for the practice of law and procedure in all courts.

The supreme court shall have such power to make rules of practice as may be provided by law.

The supreme court shall have original jurisdiction to issue, hear and determine all writs appropriate to the exercise of its jurisdiction, including the writ of habeas corpus.

Section . SUPREME COURT ORGANIZATION. The supreme court shall consist of the chief justice and four justices, a majority of whom will be necessary to pronounce the decision, which must be in writing and signed by the majority.

The legislative assembly may increase the number of justices by law.

A district judge shall be substituted for the chief justice or a justice in the event of disqualification or disability, as may be provided by law, and the opinion of the district judge sitting with the supreme court shall have the same effect as an opinion of a justice of the supreme court.

Section . DISTRICT COURT POWERS. Original jurisdiction of all matters and causes, both civil and criminal, including the power to summon juries and to determine original and remedial writs is vested in the district courts, but distribution of concurrent jurisdiction with other courts may be provided by law.

Until otherwise provided by law, appeals from inferior courts must be tried anew in the district court. District courts shall also have jurisdiction to review decisions of administrative boards and commissions and they shall have such additional jurisdiction as may be delegated by the laws of the United States and the state of Montana. The supreme court and district court process shall extend to all parts of the state.

Section 5. JUDICIAL DISTRICTS. The legislative assembly shall divide the state into judicial districts and provide for the number of judges in each district.

The legislative assembly shall have the power to change the number of judicial districts and their boundaries and the number of judges and magistrates in each district; however, each district shall be formed of compact territory and be bounded by county lines, but no changes in the number of boundaries of districts shall work a removal of any judge from office during the term for which he has been elected or appointed.

The chief justice may assign the district judge and other judges for temporary service from one district to another, and from one county to another.

Section 6. TERMS AND PAY OF JUDGES. Justices of the supreme court, district court judges and other judges shall be paid as provided by law, but their salary shall not be diminished during their term of office.

Terms of office for supreme court justices shall be six years.

Terms of office for district court judges shall be four years.

Terms of office for other judges shall be provided by law.

Section 7. SELECTION OF JUDGES. In all vacancies in the offices of supreme court justices and district court judges caused by death, resignation, removal, retirement or failure of an incumbent judge to file a declaration of candidacy for a succeeding term of office, the governor of the state shall nominate a supreme court or district court judge from nominees selected in the manner provided by law. If the governor fails to nominate within thirty days after receipt of the names of the nominees, the chief justice or acting chief justice shall make the nomination. Each nomination shall be confirmed by the senate, but a nomination made while the senate is not assembled shall be effective as an appointment until the end of the next session of the senate. If the nomination is not confirmed by the senate the office shall be vacant and another selection and nomination shall be made.

Before the close of filings for nominations in the first

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primary election after confirmation, the name of the appointed judge shall be placed on a contested non-partisan ballot at the next general election to fill the election to that office. If there is no primary election contest for the office, the name of the appointed judge shall nevertheless be placed on a ballot at the general election following votes of the state or district as the case may be, his approval in office. Thereafter, the elected judge shall be subject to approval or rejection in a general election at the expiration of each term of office. In the event of rejection, the office shall be filled by another election and nomination shall be made as herein provided.

Section 8. QUALIFICATIONS AND LIMITATIONS OF JUDGES. No person shall be eligible to the office of justice of the supreme court or judge of the district court unless he or she shall have been admitted to the practice of law in Montana for at least five years next preceding the date of appointment or election, is a citizen of the United States, and has resided in the state of Montana two years immediately before taking office. Qualifications and methods of selection of judges of other courts shall be provided by law.

No supreme court justice or district court judge shall solicit or receive any compensation or account of his office, in any form whatever, except salary and actual necessary travel expenses as provided by law.

Except as otherwise provided in this Constitution, no supreme court justice or district court judge shall practice law during his term of office, engage in any other employment for which salary or fee is paid, or hold office in a political party.

Filing for another elective public office results in forfeiture of judicial position.

A district judge must reside in his district during his term of office.

Section 9. DISQUALIFICATION OF JUDGES. The legislature shall provide for disqualification of judges at any one or all of the district, trial and appellate court levels.

Section 10. REMOVAL AND DISCIPLINE OF JUDGES AND LAWYERS. There is created a Judicial Standards Commission consisting of three judges, selected by the district judges, of which not more than one can be a member of the supreme court; two members of the Montana bar, and two citizens who do not hold any public office of the state of Montana or any office of a political party, appointed by the governor. Each vacancy on the commission shall be filled in the same manner as the original appointment was made and the appointee shall serve for the remainder of the term vacated. No act of the commission is valid unless concurred in by a majority of its members. The commission shall select one of its members to serve as chairman. Its proceedings shall be confider-

tial.

The commission shall have the power to investigate, including power to subpoena witnesses and documents, upon complaint by any citizen or on its own motion, charges which could be the basis for retirement, censure or removal of any justice or judge or for the discipline, censure, suspension or disbarment of any practicing lawyer in the state of Montana. Upon finding charges to be well founded the commission shall file a formal complaint before the supreme court. The supreme court shall hear such complaint, and if it be substantiated may retire, censure or remove any justice or judge or discipline, censure, suspend or disbar any practicing lawyer. If the complaint be against a justice, the court shall call in a district judge as provided in section 3 of this Article.

Section 11. CLERK OF THE SUPREME COURT. The chief justice shall appoint a clerk of the supreme court who shall hold office at the pleasure of the supreme court.

The salary and qualifications shall be fixed by law, and the duties of the office shall be prescribed by the supreme court.

Section 12. CLERK OF THE DISTRICT COURT. There shall be a clerk of each judicial district court in each county who shall be elected by the voters therein and who may appoint such deputies as provided by law.

The term of office, qualifications, and the compensation of the district court clerk and deputies shall be provided by law.

The duties of the clerk and deputies shall be prescribed by the district court judge and as provided by law.

Section 13. DISTRICT ATTORNEYS. There shall be elected district attorneys whose jurisdictional area, qualifications, term of office, salaries and duties shall be provided by law.

Catherine Pemberton
Vice Chairman

Ben F. Berg, Jr.

Jean M. Bowman

J. Mason Melvin

[illegible] JUDICIAL ARTICLE

[illegible] Judicial Article is truly a viable [illegible] the traditional and practical concepts of the courts of [illegible]. The elasticity and flexibility of its strength; its clarity [illegible] it forth. Every delegate to this convention was [illegible] to draft an instrument to assure brevity and simplicity of the constitutional provisions so that all could understand. The committee proposed Judicial Article measures up in [illegible]. Yet, there is no [illegible] safeguards have been abandoned. Rather, in this proposal, citizens' choices and options have been restored, the judiciary has been strengthened, [illegible] judicial system has been made more flexible to [illegible] to review by the people.

The Judiciary Committee has heard many witnesses. Some of [illegible] have spoken of the importance of the independence of the judiciary from the legislative and executive branches; other expressed the importance of the judges being responsive to the law. It is submitted that the judiciary must also be responsive to the [illegible], the people.

This Article was drawn with the idea that the judicial branch must be as strong as the other two; that its officers be as free from intimidation as humanly possible; and, that the choice of judicial officers be the responsibility of the Legislative and Executive branches and the voters.

Section 1. JUDICIAL POWER. The judicial power of the [illegible] is vested in a supreme court and district courts [illegible] such other courts as may be provided by law.

COMMENTS

The Judiciary Committee believes that this provision is broad and flexible enough to accommodate not only the existing inferior courts, including justices of the peace, police and municipal courts, but also for the implementation of future courts.

The Judiciary has deleted reference to a court of impeachment in the judicial article because it is an archaic, seldom used procedure, and because it is adequately covered by Article V, Section 16 of the legislative article of the 1889 Constitution where it more appropriately belongs.

It should be pointed out that by deleting reference to justices of the peace, there is no intention to abolish or affect the present jurisdiction and operation of these courts, but rather to leave assignment of judicial power of these courts exclusively to the legislature where there is wide latitude for improvement and alterations that will adjust to the varying complexities of rural and urban problems in the administration of justice on the lower

level.

Section 2. SUPREME COURT POWERS. The supreme court shall have final appellate jurisdiction and general supervisory and administrative control over all courts.

The supreme court may make rules for the practice of law and judicial administration in all courts.

The supreme court shall have such power to make rules of procedure as may be provided by law.

The supreme court shall have original jurisdiction to issue, hear and determine all writs appropriate to the exercise of its jurisdiction, including the writ of habeas corpus.

COMMENTS

Final appellate jurisdiction is, by this section, vested exclusively in the supreme court. We employ the word "final" not only to indicate the place where litigation ends, but also to allow for intermediate appellate courts which may in the future become necessary to a speedy dispatch of justice. Like the federal Constitution, the minority has not restricted or encumbered the appellate jurisdiction of the supreme court to "such limitations and regulations as may be provided by law". This change we believe to be consistent with the basic Constitutional principle of separation of powers among the three principal departments of government. Similarly, the minority has eliminated the antique phrase "all cases in law and equity", believing this language to be archaic and a totally unnecessary distinction and restriction.

In addition to the unfettered appellate jurisdiction, the supreme court is given original jurisdiction to issue all writs and orders appropriate to the exercise of its powers. The minority proposal specifies only the writ of habeas corpus, but by this specification does not intend to exclude the use of other original writs enumerated in the 1889 Constitution. Likewise, we have removed the procedural provisions regarding the issuance and hearing of writs of habeas corpus because we think these provisions are purely statutory in character and because Article III, section 21 of the 1889 Constitution adequately protects against the suspension of the privilege of a writ of habeas corpus.

To the general supervisory control which the 1889 Constitution granted the supreme court, the minority has added administrative control. This addition was made to clarify the supervisory powers of the supreme court and to permit the supreme court to exercise centralized administrative direction for the entire judicial system. This power is further emphasized by the rule-making power in judicial administration. The minority does not believe that there is an immediate need for the employment of this power, but we see its probable need in the future. We con-

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[illegible] clerk of the supreme court could be [illegible] agency to facilitate the administration of judicial affairs and have therefore included the power in the supreme court to prescribe the duties of its clerk. (Section 7).

The rule-making power is described by the majority report into two classes. The first includes the practice of law and judicial administration matters, which relate exclusively to the internal affairs of the judicial system. Powers in this regard are specifically vested in the supreme court. The second class of rule-making power is described to be rules of procedure and is proposed to include both civil and criminal codes, but is specifically limited and qualified by the phrase "as provided by law" which means, of course, that the rule-making power is actually reserved to the plenary power of the legislature as the lawmaking body of the state. It is believed that the making of rules of evidence properly belongs exclusively with the legislature because of the fine line between substantive and adjective law.

Section 4. SUPREME COURT ORGANIZATION. The supreme court shall consist of one chief justice and four justices, a majority of which will be necessary to pronounce any decision, which must be in writing and signed by the majority.

The legislative assembly may increase the number of justices from five to seven.

District judges shall be substituted for the chief justice or the justices in the event of disqualification or disability, in any cause, and the opinion of the district judge sitting with the supreme court shall have the same effect as an opinion of a justice of the supreme court.

COMMENTS

Except for the requirement that decisions of the supreme court must be in writing and be signed by the majority, which is included for the purpose of prohibiting per curiam unsigned decisions, the foregoing section 4 is a condensed version of Article VIII, Section 5 of the 1898 Constitution. It does, however, permit the enlargement of the supreme court from five to seven justices including the chief justice. It makes no reference to quorums, calendars and procedure for adjournment of the court because the majority believes that these are provisions properly covered by the rules of court. Similarly, in a shorter paragraph we have provided for the seating of a district judge in the event of a disqualification of a supreme court justice.

Section 5. DISTRICT COURT POWERS. Original jurisdiction of all matters and causes, both civil and criminal, including the power to issue, hear and determine

original and remedial writs is vested in the district courts, but distribution of concurrent jurisdiction with other courts may be provided by law.

Until otherwise provided by law, appeals from inferior courts must be tried anew in the district court. District courts shall also have jurisdiction to review decisions of administrative boards and commissions and they shall have such additional jurisdiction as may be delegated by the laws of the United States and the state of Montana. The supreme court and district court process shall extend to all parts of the state.

COMMENTS

Brevity and clarity of expression have guided the minority in the drafting of this proposed judicial article. Our research has included a reasonably thorough study of other state Constitutions. We were chagrined to find no other state Constitution encumbered by the delineation of various types of action included within the original jurisdiction of our principal trial courts as it is described in Article VIII, section 11 of the 1889 Constitution. Moreover, we are apprehensive as to just how limited that jurisdiction may prove to be if the interpretive rule of expressio unis exclusio alterius (expression of one is the exclusion of others) is applied.

With these considerations in mind, the minority sought to provide district courts with broad and flexible jurisdiction, and, accordingly, substituted the language "all matters and causes" in lieu of the specifications contained in the old section 11 of Article VIII. We considered the phrase "all justiciable causes" employed in the Illinois Constitution and used in the North Dakota proposed judicial article, but from our research it appeared that the word "justiciable" is too vague to be meaningful and is therefore still open to a possible restrictive construction which we seek to avoid. Accordingly, we preferred the unlimited words "all causes" used in the California judicial article pertaining to the superior courts, their courts of general trial jurisdiction. To this phrase we added the word "matters" to assure continued probate jurisdiction. To secure the vestment of the power in criminal proceedings we also added the phrase "both civil and criminal". To provide flexibility to the entire judicial system, we added the clause "but distribution of concurrent jurisdiction to other courts may be provided by law". By this clause it is intended to permit the legislature to assign concurrent jurisdiction to hear criminal matters not amounting to a felony and minor civil actions to inferior courts of limited jurisdiction.

By thus circumscribing original jurisdiction of the judicial power with legislative discretion, we were concerned that the legislature might effectively dessimate our district courts by

[illegible] judicial power in tribunals of its creation. In giving this legislative grant of power we have intentionally omitted the word "concurrent" as a limitation on that power, thereby leaving to the people the choice of adopting at any future time either a constitutional or legislative remedy. Further, by the use of the word "concurrent" as applied to original jurisdiction, we intend to leave to the legislature the matter of assigning the trial court levels if in the future that should appear desirable.

[illegible] we were not content to limit the district courts to original jurisdiction only, but foresaw the need for continued appellate jurisdiction over inferior courts and administrative tribunals. Hence, we specifically provide for trial de novo appeal from inferior courts, thereby avoiding excessive time in hearing in the preparation of transcript upon appeal from the lower courts.

We have also accommodated future delegation of judicial power by the United States government or the state of Montana and have not limited it to the present power of naturalization as does Article VIII, section 11 of the 1889 Constitution.

Finally, to make certain that both the supreme court and district courts are truly courts of statewide jurisdiction, we have expressly declared that their processes extend to all parts of the state.

Section [illegible]. JUDICIAL DISTRICTS. The legislative assembly shall divide the state into judicial districts and provide for the number of judges in each district.

The legislative assembly shall have the power to change the number of judicial districts and their boundaries and the number of judges and magistrates in each district; however, each district shall be formed of compact territory and be bounded by county lines, but no changes in the number or boundaries of districts shall work a removal of any judge from office during the term for which he has been elected or appointed.

The chief justice may assign the district judge and other judges for temporary service from one district to another, and from one county to another.

COMMENTS

The minority believes that it is the perogative of the legislature to divide the state into judicial districts because of the political characteristics of such districts. It is felt that the legislature is not only better equipped to maintain a district's political integrity, but it is altogether inappropriate for a court to become involved in political activity of any character. It is presumed, however, that the legislature will

consult with the supreme court when providing for the number of judges in each district. Our position also prevents capricious action on the part of the legislature which might cause a judge to be removed from office. It is also doubtful, under this system of legislative arbitrariness, that a judge could be moved to a district or removed from his district because of an unpopular decision.

Section 8. TERMS AND PAY OF JUDGES. Justices of the supreme court, district court judges and other judges shall be paid as provided by law, but their salary shall not be diminished during their term of office.

Terms of office for supreme court judges shall be four years.

Terms of office for other judges shall be provided by law.

COMMENTS

By separate paragraphs, somewhat diminished in length, sections 6, 12, 20, and 30 of Article VIII of the 1889 Constitution have been incorporated under the dual subject matter of section 7.

Section 7. SELECTION OF JUDGES. In all vacancies in the offices of supreme court justices and district court judges caused by death, resignation, removal, retirement or failure of an incumbent judge to file a declaration of candidacy for a succeeding term of office, the governor of the state shall nominate a supreme court or district court judge from nominees selected in the manner provided by law. If the governor fails to nominate within thirty days after receipt of the names of the nominees, the chief justice or acting chief justice shall make the nomination. Each nomination shall be confirmed by the senate, but a nomination made while the senate is not assembled shall be effective as an appointment until the end of the next session of the senate. If the nomination is not confirmed by the senate the office shall be vacant and another selection and nomination shall be made.

Before the close of filings for nominations in the first primary election after senate confirmation, the name of the appointed judge shall be placed on a contested non-partisan ballot if other candidates have filed for election to that office. If there is no primary election contest for the office, the name of the appointed judge shall nevertheless be placed on a ballot in the general election allowing voters of the state or district the choice of his approval or rejection. Thereafter, the elected judge shall be subject to

approval or rejection in a general election for each
succeeding term of office. In the event of rejection of
a judge, the selection and nomination shall be made
in like manner.

COMMENT

Throughout the political and political history of the United States there has always been and continues to be a great and important philosophical controversy between the concept of an independent judiciary and popular control of the courts. This controversy is manifested by the variety of systems adopted by the various states ranging from lifetime appointment to the partisan election of judges. In our judicial committee the concepts polarized between the appointive merit system and the non-partisan election of judges. After prolonged discussion and vigorous arguments by strong advocates, the committee divided nearly equally with the chairman voting with the majority to make a 6-5 split. As indicated, the committee's collective thought crystallized on the selection of judges.

The minority proposed section 6 as an innovation to and a compromise with the existing methods of selection of judges. Yet, it does, we believe, include many of the best features of all plans. Thus, in synopsis, the minority plan incorporates non-partisan merit selection, gubernatorial nomination, senate confirmation, initial contested elections, and subsequent voter choice of approval or rejection of judges.

The purpose of the minority's plan is twofold; namely, to present to the voters judicial candidates whose qualifications are recognized and to encourage better qualified and experienced lawyers to seek elevation to the judicial bench. It is the position of the minority that this system of selection will provide strong, able, impartial and independent judges who are still responsive to and elected by the people.

It is the minority's belief that today, few, if any, of the voters are at all acquainted with the judicial candidates and are totally uninformed of their education, background, experience and individual qualifications for a judgeship. We firmly believe that the survival of democratic institutions and representative government is directly dependent upon an informed electorate, and we think the present system of elected judiciary utterly and completely fails to attain that desired goal. We believe this is especially critical in the selection of judges who must be unselfishly devoted to the fair settlement of society's disputes. Their qualifications to perform this essential governmental function is the first and highest consideration.

To better insure the selection of qualified judges, the minority suggests that the legislature create a committee, bi-partisan in character, composed of both lawyers and laymen, but predominately laymen, who are geographically distributed

throughout the state with at least one member from each judicial district. Preferably the committee should be elected by the legislature for staggered terms of three years so that one-third of its members are elected each annual session of the legislature. Members of the committee should not hold either public or political party offices and no member during his term of office may be a candidate for a judicial office.

The minority has purposely refrained from attempting to provide for the organization of the nominating committee in the belief that the legislature is better able to vigilantly oversee its operation.

The minority is not satisfied with the current process of unlimited gubernatorial appointive power of judges. In the light of statistics revealing that an overwhelming majority of our judiciary have been appointed by the governor, we are especially apprehensive of the future political character of our judges. Therefore, we have limited the governor's nomination to those nominees selected by a committee, created by and dependent upon the legislature. This system, we believe, accords an effective check and balance.

Neither have we been content with the merit selection system alone, but noting the validity of recent congressional disapproval of presidential appointments to the United States supreme court, we have recognized the value of "advice and consent" feature of the United States Constitution and have incorporated it into our proposal by the requirement of senate confirmation.

The fourth distinct and important feature of the minority plan in the selection of judges, is, of course, a necessity to a democratic form of government, i.e., a competitive election of public officials. This prime essential is provided for at the first primary election following appointment. In this primary election any lawyer may file against the appointed judge and the two candidates receiving the highest vote will again compete against each other in the following general election. If no candidate files against the appointed judge in the primary election, nevertheless, the name of the appointed judge must appear on the general election ballot for acceptance or rejection by the voters. For every succeeding term the elected judge must submit to acceptance or rejection by the voters of his district or state.

To repeat, the minority recommends that this comprehensive system of selection, nomination, confirmation and election of judges is a realistic and practical method of obtaining and keeping better judges by an informed electorate.

Section 4. QUALIFICATIONS AND LIMITATIONS OF JUDGES.

No person shall be eligible to the offices of justice of the supreme court or judge of the district court

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[illegible] shall have been admitted to the practice of law in Montana for at least five years prior to [illegible] election or election, is a citizen of the United States, and has resided in the state of Montana [illegible] immediately before taking office. Qualifications and methods of selection of judges of other courts will be provided by law.

[illegible] justice or district court judge shall receive any compensation on account of [illegible], in any form whatever, except salary and actual necessary travel expense as provided by law.

[illegible] as otherwise provided in this Constitution, no supreme court justice or district court judge shall practice law during his term of office, engage in any other employment for which salary or fee is paid, or hold office in a political party.

[illegible] for another elective public office results in forfeiture of judicial position.

A district judge must reside in his district during his term of office.

COMMENTS

Paragraph one of this section is essentially the same as section 7 of Article VIII, of the 1889 Constitution except that it eliminates the age requirement as we feel that age isn't as important as knowledge and experience. It specifies five years of practice at law as a qualification for either a supreme court justice or a judge of the district court. It adds that the qualifications and methods of selection of judges of the other courts will be provided by law.

The second paragraph of section 6 is similar to Article VIII, section 30 of the 1889 constitution except that it clarifies compensation of judges by allowing instead of prohibiting the receipt of actual necessary travel expense in addition to salary.

Paragraph three incorporates the provisions of Article VIII, sections 31 and 32 of the 1889 Constitution, except that it prevents either a district judge or justice of the supreme court from engaging in any other employment for which a salary or fee is paid and specifically prohibits a district or supreme court judge from holding any office in a political party.

The fourth paragraph of section 6 is new to the Montana Constitution and is designed to prevent judgeships being used as stepping stones for the fulfillment of political ambition.

The fifth paragraph retires and shortens the residential requirements of district judges as they have been spelled out in

section 28 of Article VIII.

Section 4. DISQUALIFICATION OF JUDGES. The legislature shall provide for disqualification of judges at any or all of the initial, trial and appellate court levels.

COMMENTS

This section is Delegate Proposal No. 58, except that we have changed "may provide" to "shall provide", because we feel that it thus gives a clear mandate to the legislature to act in this area. It is our contention that it is the basic right of a litigant to be assured an impartial judge at all levels of the courts. It is noted that although disqualification procedure for lower courts is provided for in the statutes, the supreme court has remained exempt. By this provision, the supreme court justices will also be subject to the similar requirements.

Section 5. REMOVAL AND DISCIPLINE OF JUDGES AND LAWYERS. There is created a Judicial Standards Commission consisting of three judges, selected by the district judges, of which not more than one can be a member of the supreme court; two members of the Montana bar, and two citizens who do not hold any public office of the state of Montana or any office of a political party, appointed by the governor. Each vacancy on the commission shall be filled in the same manner as the original appointment was made and the appointee shall serve for the remainder of the term vacated. No act of the commission is valid unless concurred in by a majority of its members. The commission shall select one of its members to serve as chairman. Its proceedings shall be confidential.

The commission shall have the power to investigate, including power to subpoena witnesses and documents, upon complaint by any citizen or on its own motion, charges which could be the basis for retirement, censure or removal of any justice or judge or for the disciplint, censure, suspension or disbarment of any practicing lawyer in the state of Montana. Upon finding charges to be well founded the Commission shall file a formal complaint before the supreme court. The supreme court shall hear such complaint, and if it be substantiated may retire, censure or remove any justice or judge or discipline, censure, suspend or disbar any practicing lawyer. If the complaint be against a justice, the court shall call in a district judge as provided in section 3 of this Article.

COMMENTS

It may seem contradictory to go into such detail in this

[illegible] that the seeming current distrust [illegible] in general and the courts in particular [illegible], it is urgent to allay this distrust and to [illegible] by the public. In cases where [illegible] of judge is indicated, such [illegible] the trauma caused by a public pro- [illegible]. It is our hope that public disciplinary action [illegible] of such magnitude as to warrant an [illegible].

[illegible] majority feels that it is essential that the [illegible] the machinery for redress of grievances against [illegible] efficient. We feel that this section will do much [illegible] judicial profession at the high caliber that it must [illegible] and to be accorded the respect necessary to have [illegible] judicial system which we think Montana ought to have.

Section 11. CLERK OF THE SUPREME COURT. The chief justice shall appoint a clerk of the supreme court who shall hold office at the pleasure of the supreme court.

The salary and qualifications shall be fixed by law, and the duties of the office shall be prescribed by the supreme court.

COMMENTS

The functions of this office are administrative in nature and affect no policy change or formation. For this reason the majority feels it is best to allow the supreme court to hire its own clerk. The clerk must work with the court, and even though he or she has dealings with the public, the clerk doesn't represent the people in the sense that a legislator does. We feel that a substantial portion of the voters don't know the candidate or candidates for the position and probably aren't very concerned with the position since no policy decisions are made.

In addition, again allowing for future innovation, if the position develops into an agency to facilitate administration of the judicial system, the court should have the prerogative to hire the person it feels is best qualified to perform the func- [illegible] that it may prescribe.

Section 12. CLERK OF THE DISTRICT COURT. There shall be a clerk of each judicial district court in each county who shall be elected by the voters therein and who may appoint such deputies as provided by law.

The term of office, qualifications, and the compensation of the district court clerk and deputies shall be provided by law.

The duties of the clerk and deputies shall be prescribed by the district court judge as provided by law.

COMMENTS

This section is basically the same as Article VIII, section 18 in the 1889 Constitution, except that we have delegated to the legislature the duty of providing term of office, qualifications and compensation. Again, this merely allows flexibility.

It is felt that the clerk should have the privilege of appointing deputies, who in effect are working for him.

The minority also feels that the duties of the clerks and deputies should be provided not only by the legislature but also by the district court judge who will be working closely with the clerk.

By including the clerk of the court in this judicial article it is not intended to impair the consolidation of this office with other county offices as proposed by the Local Government Committee, but if the committee on Style and Drafting determines there is conflict, the matter may be referred back to a joint conference of Judiciary and Local Government Committees.

Section 13. DISTRICT ATTORNEYS. There shall be elected district attorneys whose jurisdictional area, qualifications, term of office, salaries and duties shall be provided by law.

COMMENTS

In an effort to write a document that will be applicable for many years, we deemed it best to change the title of county attorney to district attorney. It is entirely possible that eventually counties may decide to share services and a Constitutional designation of a county attorney for each county would make transition in this area difficult. We have provided for legislative action concerning jurisdictional area, qualifications, term of office, salary and duties in keeping with our philosophy of flexibility. This section in no way precludes continuing the system of county attorneys that we now have; they will merely be called district attorneys instead.

[illegible] STATE [illegible]

[illegible]:

[illegible] the new Constitution to read [illegible]:

[illegible]. [illegible]. The legislative assembly shall [illegible] and exception laws.

[illegible]. [illegible]. [illegible] shall be [illegible], [illegible] purposes.

Lewis L. Hellens
Chairman

[illegible]
Vice Chairman

Chas. P. Arndt

Ben E. Berg, Jr.

[illegible]

Leslie "Joe" Eskildsen

[illegible]

J. Mason Melvin

John W. Schiltz

COMMENTS ON UNANIMOUS PROPOSAL ON SEPARATE MATTER

Section ___. EXEMPTION LAWS. The legislative assembly shall enact liberal homestead and exemption laws.

COMMENTS

This language is identical with Article XIX, section 4 of the 1889 Constitution. All of the committee feel that no change shall be made in this Constitutional section.

Section ___. PERPETUITIES. No perpetuities shall be allowed, except for charitable purposes.

COMMENTS

This language is identical with Article XIX, section 5 of the 1889 Constitution. All of the committee feel that no change shall be made in this Constitutional section.

[illegible]

[illegible]

	Present Article & Section
1	VIII, 1
	VIII, 2
	VIII, 3
4	VIII, 4
	VIII, 5
6	VIII, 6, 7
	VIII, 8
[illegible]	VIII, 10
[illegible]	VIII, 11
12	VIII, 12, 13
13	VIII, 15
14	VIII, 16
15	VIII, 17
16	VIII, 18
17	VIII, 19
18	VIII, 20, 21
19	VIII, 22, 23
20	VIII, 24
21	New Section
	VIII, 25
22	VIII, 26
23	VIII, 27

23	VIII, 28
24	VIII, 29
25	VIII, 30
26	VIII, 31
27	VIII, 32
28	VIII, 33
29	VIII, 34
30	VIII, 35
31	VIII, 36
32	VIII, 37

Sections Deleted:

VIII, 8, 13

II. MAJORITY PROPOSAL (CAMPAIGN EXPENSES) No cross reference

III. MINORITY PROPOSAL

Proposed Section	Present Article & Section
1	VIII, 1
2	VIII, 2, 3
3	VIII, 5
4	VIII, 11, 23
5	VIII, 12, 14
6	VIII, 7, 12, 20, 29
7	VIII, 6, 12, 34
8	VIII, 10, 16, 30, 31, 33, 35
9	New section

[illegible]	[illegible] section
[illegible]	VIII, 9
[illegible]	VIII, 18
[illegible]	VIII, 19

Sections Deleted: VIII, 4
[illegible], 13, 15, 17, 21,
22, 24, 25, 26, 27,
28, 32, 36, 37

IV. [illegible]

[illegible] section	Present Article & section
Exception Laws	XIX, 4
[illegible] Parties	XIX, 5

APPENDIX B

PROPOSALS CONSIDERED BY COMMITTEE

The following delegate proposals were examined and considered by the Judiciary Committee during its deliberations:

	Number of Proposal	Chief Sponsor	Subject Matter	Disposition
1.	7	Earl Berthelson	Judicial Article	Adopted in Part by Majority and Minority
2.	30	Jerome J. Cate	Sovereign Immunity	Referred to Bill of Rights
3.	34	Bob Campbell	Restoration of Rights	Referred to Bill of Rights
4.	38	Donald R. Foster	Citizen Participation in Government	Referred to Bill of Rights
5.	44	Jerome T. Loendorf	Judicial Article	Rejected
6.	53	Thomas M. Ask	Justices of Peace	Rejected
7.	69	Carl M. Davis	Prosecuting Attorneys	Rejected
8.	90	Geoffrey L. Brazier	Disqualification of Judges	Rejected
9.	92	Franklin Arness	Appeals and Inferior Courts	Rejected

	Number of	Chief Sponsor	Subject Matter	Disposition
10.	137	Mike McKeon	Probate Court	Rejected
11.	145	Jerome T. Loendorf	Employees' Retirement System	Rejected
[illegible]	149	Mike McKeon	Probate Court	Rejected
13.	155	Archie Wilson	Probate Administrator	Rejected
[illegible]	[illegible]	Robert Lee Kelleher	Acts of Parliament	Rejected
15.	163	Veronica Sullivan	Fair and Humane Facilities	Suggested to send to Bill of Rights
16.	168	Robert Lee Kelleher	Rights of Convicted Felons	Rejected
[illegible]	169	Robert Lee Kelleher	Access to Courts	Rejected
18.	174	Otto T. Habedank	Limitation on Due Process	Rejected
19.	176	Robert Lee Kelleher	Failure to Vote is Crime	Rejected

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APPENDIX C

WITNESSES HEARD BY THE COMMITTEE

Name - Affiliation - Residence - Subject

1. Professor David Mayer - Montana School of Law - Missoula - Proponent of the Montana Plan.

2. Dean Robert L. Sullivan - Montana School of Law - Missoula - Proponent of the Montana Plan.

3. Professor William "Luke" Crowley - Montana School of Law - Missoula - Proponent of the Montana Plan.

4. Roberta Davis - Montana Citizens for Court Improvement - Billings - Proponent of the Montana Plan.

5. Stanley Lowe - Associate Director, American Judicature Society - Chicago - Proponent of the Montana Plan.

6. William Bellingham - President, Montana Bar Association - Billings - Proponent of the Montana Plan.

7. Earl Berthelson - Convention Delegate - Conrad - Proponent of the Montana Plan.

8. Geoffrey Brazier - Convention Delegate - Helena - Courts in General, Delegate Proposal #80.

9. George Schotte - President, Montana Citizens for Court Improvement - Helena - Proponent of the Montana Plan.

10. John Lane - Cascade County Intergovernmental Cooperation Committee - Representative - Helena - favored Montana Plan, appointment of judges and flexibility of lower courts.

11. Chief Justice J. T. Harrison - Supreme Court of Montana - Helena - endorsed Montana Plan

12. Judge Robert Keller - Montana District Court - Kalispell - Appointment of judges, increased judicial compensation and other court problems.

13. Archie Wilson - Convention Delegate - Ryegate - favored most parts of Montana Plan, Delegate Proposal #155.

14. Charles McNeil - Convention Delegate - Nelson - Opponent of Montana Plan.

15. Judge Victor Dahl (retired) - Montana District Court - Helena - Endorsed a short judicial article with as much left to the legislature as possible.

[illegible] - President, Montana Judges' Association - Judges' Plan of the Judicial arti-

[illegible] - Citizens for Court Improvement - [illegible] Plan.

[illegible] ney - Billings - Submitted short, flex-

[illegible] - Big Timber - County

[illegible] - Montana District Court - Missoula [illegible] Montana Plan.

[illegible] - President, Montana County Attorneys Associa- [illegible] - County Attorneys.

[illegible] - County Attorney - Broadus - County Attorneys.

[illegible] - Secretary, Montana County Attorneys Asso- [illegible] - County Attorneys.

[illegible] - President, Elected County Officials of Montana - Justices of the Peace, Clerks of Court.

[illegible] - Justice of the Peace - Fairfield - Jus- tices of the Peace.

[illegible] - Lobbyist, United Transportation Unions - Miles City - Justices of the Peace, Clerks of Court.

[illegible] - Sheriff and Peace Officer Association - [illegible] - Justices of the Peace.

[illegible] - Clerk of Montana Supreme Court - Helena - Clerks of Court.

[illegible] - President, Montana Clerks of Court Associa- tion - Billings - Clerks of Court.

[illegible] - Clerk of District Court - Chouteau - Clerks of Court.

[illegible] - Secretary, Montana Clerks of Court Associa- tion - Hastings - Clerks of Court.

[illegible] - Lobbyist, Montana Common Cause - Helena - [illegible] Montana, favored partisan election of supreme court justices and [illegible] design of the court system to [illegible] court.

33. J. Chan Ettien - Attorney - Havre - Opponent of the Montana Plan.

34. Joe Roberts - Law Student - Missoula - Justices of the Peace.

35. John Rudd - Law Student - Missoula - Judicial Selection.

36. Judge Russell Smith - Montana Federal District Court - Missoula - Proponent of Montana Plan.

37. Barney Keegan - Ninth Judicial District Bar Association - Helena - Opponent of Montana Plan.

38. Harold McChesney - President, Montana Trial Lawyers Association - Missoula - Reported poll of his organization showing opposition to appointive judges and in favor of deleting Constitutional reference to J. P. Courts.

39. John Hauf - Attorney - Billings - Judicial Selection.

40. Mrs. Bernice Holt - Interested Citizen - Nashua - Courts in general.

41. Roy Crosby - Montana Citizens for Constitutional Government - Missoula - Opponent of Montana Plan and Delegate Proposal #44.

42. Judge W. W. Lessley - Montana District Court - Bozeman - Proponent of Montana Plan.

43. Judge Robert Wilson - Montana District Court - Billings - Proponent of Montana Plan.

44. Paul Keller - Attorney - Helena - Justice of the Peace Courts.

45. Luke McKeon - State Senator - Anaconda - Opponent of Montana Plan.

46. Joe Renders - Interested Citizen - Great Falls - Opponent of Montana Plan.

47. James T. Mular - Brotherhood of Railway and Airlines Clerks - Butte - Opponent of Montana Plan.

48. John Sullivan - Law Student - Missoula - Opponent of Montana Plan.

49. Frank Arness - Convention Delegate - Libby - Delegate Proposal #92.

50. A. W. Kamhoot - Convention Delegate - Forsyth - Delegate Proposal #155.

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1. [illegible] - Convention Delegate - Kalispell - Delegate Proposal #158.

2. [illegible] - Executive Director, Montana Public Employees [illegible] - Helena - Delegate Proposal #145.

3. [illegible] - Convention Delegate - Sidney - Delegate Proposal #[illegible].

4. [illegible] - Convention Delegate - Helena - Delegate Proposal #[illegible], 198.

5. [illegible] - Convention Delegate - Dillon - Delegate Proposal #[illegible].

6. [illegible] - Convention Delegate - Dillon - Delegate Proposal #[illegible], 198.

7. [illegible] - Convention Delegate - Billings - Judicial Selection.

8. [illegible] - Convention Delegate - Missoula - Judicial Selection.

9. [illegible] - Convention Delegate - Hamilton - Judicial Commission.

10. [illegible] - Interested Citizen - Joplin - Courts in General.

11. [illegible] Brooks, President, Montana Magistrates Association - Lewistown - Justice of the Peace Courts.

APPENDIX D

ROLL CALLS ON MAJORITY PROPOSAL

MEMBER	SECTION	1	2	3	4	5	6	7	8	9	10	11	12	13	TOTAL Y	N	A
ARONOW, CEDOR B.		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	13	0	0
BERG, BEN E.		N	N	N	N	N	N	N	N	N	N	N	N	N	0	13	0
BOWMAN, MRS. JEAN M.		N	N	N	N	N	N	N	N	N	N	N	N	N	0	13	0
ESKILDSEN, LESLIE "JOE"		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	13	0	0
HANSON, ROD		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	13	0	0
MELVIN, J. MASON		N	N	N	N	N	N	N	N	N	N	N	N	N	0	13	0
SCHILTZ, JOHN M.		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	13	0	0
PEMBERTON, MRS. CATHERINE		N	N	N	N	N	N	N	N	N	N	N	N	N	0	13	0
HOLLAND, DAVID L.		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	13	0	0
TOTAL	Yea	5	5	5	5	5	5	5	5	5	5	5	5	5			
	Nay	4	4	4	4	4	4	4	4	4	4	4	4	4			
	Absent																

APPENDIX C

ROLL CALLS ON MINORITY PROPOSAL

MEMBER	VOTING	18	17	16	15	14	13	12	2	11	11	4	10	10	9
ARNOLD, PRESTON.		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
BOYD, REX E.		N	N	N	N	N	N	N	N	N	N	N	N	N	N
BOWMAN, MRS. JEAN M.		N	N	N	N	N	N	N	N	N	N	N	N	N	N
FRIEDMAN, LESLIE "JOE"		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
HANSON, ERIC		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
MELVIN, J. MARTIN		N	N	N	N	N	N	N	N	N	N	N	N	N	N
SCHILT, JOHN M.		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
STEMBERTON, MRS. CATHERINE		N	N	N	N	N	N	N	N	N	N	N	N	N	N
HOLLAND, DAVID L.		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
TOTAL	Yea	5	5	5	5	5	5	5	5	5	5	5	5	5	5
	Nay	4	4	4	4	4	4	4	4	4	4	4	4	4	4
	Absent														

APPENDIX D

ROLL CALLS ON MAJORITY PROPOSAL

MEMBER	SECTION	27	28	29	30	31	32	TOTAL Y	TOTAL N	TOTAL A
ARONOW, CEDOR B.		Y	Y	Y	Y	Y	Y	6	0	0
BERG, BEN E.		N	N	N	N	N	N	0	6	0
BOWMAN, MRS. JEAN M.		N	N	N	N	N	N	0	6	0
ESKILDSEN, LESLIE "JOE"		Y	Y	Y	Y	Y	Y	6	0	0
HANSON, ROD		Y	Y	Y	Y	Y	Y	6	0	0
MELVIN, J. MASON		N	N	N	N	N	N	0	6	0
SCHILTZ, JOHN M.		Y	Y	Y	Y	Y	Y	6	0	0
PEMBERTON, MRS. CATHERINE		N	N	N	N	N	N	0	6	0
HOLLAND, DAVID L.		Y	Y	Y	Y	Y	Y	6	0	0
TOTAL	Yea	5	5	5	5	5	5			
	Nay	4	4	4	4	4	4			
	Absent									

ROLL CALL ON MOTION TO [illegible]

MEMBER	MOTION
ARMES, PHILIP L.	Y
BEEC, BEN E.	Y
BOWMAN, MRS. JEAN M.	N
ESPILLOSEN, LESLIE "DOC"	N
HANSON, POD	Y
MELVIN, J. MASON	Y
SCHULTZ, JOHN M	Y
PEMBERTON, MRS. CATHERINE	N
HOLLAND, DAVID L	Y
TOTAL Yea	6
Nay	3
Absent	

APPENDIX D

ROLL CALLS ON MINORITY PROPOSAL

MEMBER	SECTION	1	2	3	4	5	6	7	8	9	10	11	12	13	TOTAL Y	TOTAL N	TOTAL A
ARONOW, CEDOR B.		N	N	N	N	N	N	N	N	N	N	N	N	N	0	13	0
BERG, BEN E.		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	13	0	0
BOWMAN, MRS. JEAN M.		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	13	0	0
ESKILDSEN, LESLIE "JOE"		N	N	N	N	N	N	N	N	N	N	N	N	N	0	13	0
HANSON, ROD		N	N	N	N	N	N	N	N	N	N	N	N	N	0	13	0
MELVIN, J. MASON		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	13	0	0
SCHILTZ, JOHN M.		N	N	N	N	N	N	N	N	N	N	N	N	N	0	13	0
PEMBERTON, MRS. CATHERINE		Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	13	0	0
HOLLAND, DAVID L.		N	N	N	N	N	N	N	N	N	N	N	N	N	0	13	0
TOTAL	Yea	4	4	4	4	4	4	4	4	4	4	4	4	4			
	Nay	5	5	5	5	5	5	5	5	5	5	5	5	5			
	Absent																

MEMBER	SECTION	EXEMPTION LAW
ARBOUR, CLYDE I.		Y
BERG, FIN P.		Y
BOWMAN, MRS. JEAN M.		Y
ESKILDSEN, LESLIE "JOE"		Y
HANSON, ROD		Y
MELVIN, J. MASON		Y
SCHILTZ, JOHN M.		Y
PEMBERTON, MRS. CATHERINE		Y
HOLLAND, DAVID L.		Y
TOTAL	Yea	9
	Nay	0
	Absent	0

APPENDIX D

ROLL CALLS ON UNANIMOUS PROPOSAL, ON SEPARATE MATTER

MEMBER	SECTION	PERPETUITIES	TOTAL Y	TOTAL N	TOTAL A
ARONOW, CEDOR B.		Y			
BERG, BEN E.		Y			
BOWMAN, MRS. JEAN M.		Y			
ESKILDSEN, LESLIE "JOE"		Y			
HANSON, ROD		Y			
MELVIN, J. MASON		Y			
SCHILTZ, JOHN M.		Y			
PEMBERTON, MRS. CATHERINE		Y			
HOLLAND, DAVID L.		Y			
TOTAL	Yea	9			
	Nay	0			
	Absent	0			